Tuesday, August 5, 1975
Sravana 14, 1897 (Saka)

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NEW DELHI

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LOK SABHA

Tuesday, August 5, 1975/Sravana 14, 1897 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

PAPER LAID ON THE TABLE

KEROSENE (RESTRICTION ON USE) AMDT. ORDER 1975.

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI K. D MALAVIYA): I beg to lay on the Table a copy of the Kerosene (Restriction on Use) Amendment Order, 1975 (Hindi and English versions) published in Notification No. G.S.R 958 in Gazette of India dated the 2nd August, 1975 under sub-section (6) of section 3 of the Essential Commodities Act, 1955 (Placed in Library See No LT-9922/75)

1101 hrs.

ELECTION LAWS (AMENDMENT) BILL

THE MINISTER OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1951 and the Indian Penal Code be taken into consideration."

Sir, the Bill is a simple one. Its main object is to remove with retrospective effect certain uncertainties and doubts regarding the provisions of the Representation of the People Act, 1951 relating to—

(1) the definition of candidate under section 79(b);

(2) the corrupt practice under section 123(3) of the Act as to use of and appeal to religious and national symbols;and

(3) the corrupt practice under Section 123(7) of the Act as to assistance by officers in the service of Government for the furtherance of the prospects of the candidate's election.

The Bill also seeks to make the necessary consequential amendment in the definition of candidate in section 171A of the Indian Penal Code.

Section 79(b) of the representation of the People Act, 1951 reads as follows:—

"'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate,'

This definition deals with two issues; first as to the person who will be regarded as a candidate, secondly as to the time from which a person will be regarded as a candidate. There is no difficulty regarding the first issue. Only a person who is duly nominated or who claims to have been duly nominated will qualify as a candidate. As regards the second issue, namely, the time from which a person will be regarded as a candidate, it may be pointed out that the definition does not particularise the date from which or after which alone the candidature can commence. This results in undue uncertainty. So far as election expenses are concerned, by an amendment made in 1956, it has been provided that only expenditure incurred or authorised by a candidate or his election agent between the date of publication of the

[Shri H. R. Gokhale]

notification calling the election and the date of declaration of the result thereof will be taken into account. This provision is contained in section 77(1) of the Act. The effect of this provision is that for the purpose of determining whether the election expenditure of a candidate exceeds the prescribed limit, a person will be a candidate only from the date of the publication of the notification calling the election.

It would be illogical to have a different rule for other purposes. Clause 3 of the Bill seeks to amend section 79(b) to specify the same point of time as is provided in section 77, namely, the date of publication of the notification calling the election as the point of time from which a person shall be deemed to be a candidate The more appropriate course, however, would be to treat the date of nomination of a person as the date of commencement of candidature of that person. I have, therefore, given notice of amendments to clauses 2 and 3 to make the date of nomination the point of commencement of candidature for purposes of election expenses and for other purposes. Clause 5 of the Bill seeks to amend section 171A of the Indian Penal Code so as to fix the date of the nomination as the date which a person shall be deemed to have candidate for purposes of that Code also.

Under section 123(3) of the Representation of the People Act, 1951, the use of, or appeal to, religious or national symbols for the furtherance of the prospects of the election of a candidate or for prejudicially affecting the election of any candidate constitutes a corrupt practice. As the hon. members are aware, symbols are allotted to candidates for purposes of election by authorities under the Act. The final decision as to what symbol a candidate should have rests with those authorities and not with the candidate. Hence it would be unreasonable to allow any scope for argument that a symbol duly allotted by an authority under the Act can be questioned as a religious or national symbol. It is, therefore, proposed to make it clear that no symbol allotted under the Act shall be deemed to be a national or religious symbol.

Section 123(7) of the Representation of the People Act, 1951 makes the obtaining etc. by or on behalf of a candidate, of assistance from certain classes of officers in the srvice of the Government for the furtherence of the prospects of the candidate's election, a corrupt practice. The provision is not intended to cover any act or thing done by a person in the service of the Government in the discharge or purported discharge of his official duty. It is necessary to make this position clear beyond doubt.

Another difficulty which can arise in the operation of the provision of section 123(7) relates to the question as to whether a person from whom assistance of the nature referred to therein is obtained, is a person in the service of the Government. As regards some of the classes of the persons mentioned in the provision, the practice both in the Central Government and in the State Government is to notify the fact and date of appointment, the acceptance of resignation, termination of service or removal or dismissal from service in the Official Gazette In these cases, it would be conducive to the smooth and easy application of the provisions of the section to make the publication in the Official Gazette conclusive as to the appointment, resignation, termination of service, removal or dismissal from service and also as to the date of taking effect thereof as specified in the Gazette. It is, therefore, proposed to add a suitable Explanation for this purpose.

Sir, the provisions of the Bill are simple, self-explanatory and long overdue. As already mentioned, I have given notice of amendments for making the date of nomination of a person as the date from which he may be regarded as a candidate. I have also given notice of certain amendments to the provisions as to disqualifications on ground of corrupt practices. I shall deal with these later. I commend the Bill for the consideration of the House.

SHRI INDRAJIT GUPTA (Alipore): I do not understand what the hon. minister meant when he said that he would deal with the amendments later. He should explain the amendments now itself.

SHRI H. R. GOKHALE: I can explain them now. I thought the proper time for that would be when I move them. The amendments which are not merely consequential but which are material are these. With regard to the definition of candidate, the original provision in the Bill was that the candidate should be regarded as a candidate from the date on which the election is called by the Election Commission under the provisions of the Act. The result of it was that the deeming provision still remains, although it could not go prior to the date of the notification. The concept of 'holding out' which has been recognised all along till now does not fit in with this idea of making the candidature relevant from the date of the notification by the Election Commission calling the election. Therefore, the only change suggested in the amendment is to treat the date of nomination of a person as the date of commencement of candidature of that person. That is one. The other thing which is material is in respect of disqualifications; hon. Members are aware that there are many Sections; but one, in particular, is very material and all other Sections are really consequential to that Section. That Section is 8A of the Representation of the People's Act. In fact, it was added to the Act subsequently, by way of an amendment. Now, the result of Section 8A, as it is today, is that the disqualification is automatic. Actually, some high courts, in their judgments have said that because of the finding of corrupt practices and the election being declared void so-and-so will be disqualified for a period of six years; which is redundant because, even if the high courts do not declare it, under the law itself, the disqualification automatically follows. That is the present provision in the Act. This results, in my view, in considerable hardship I will give you only a few illustrations. Even if the corrupt practice is held proved, the gravity and the nature of the corrupt practice is not necessarily the same. For example, expenditure migh be incurred, and the limit on expenditure might have exceeded just by one rupee. Still, technically it is a corrupt practice; and even then the disqualification is for a period of six years. The corrupt practice might be a minor, technically corrupt practice. Even then, there is no option but to disqualify the candidate for a period of six years. Now, all that is done is that the disqualification is not the automatic result of the judgement of the high court that the election is void, or that certain corrupt practices have been held to be proved; now, once the judgement is delivered that the election is void; the judgement is final, subject to appeal and so on and so forth; but the question as to whether any disqualification should follow at all, or if it should follow, for what period it should follow—but in any case not exceeding a period of six years—has been provided for in this; and this is in line with the Article which is already in the Constitution, *viz.*, Article 103; for example, in the case of a disqualification arising after a person has already become a Member of the House—except the holding of offices of profit which are exempt it becomes a disqualification subsequently. And now the provision is, whether I have incurred a disqualification or not, is, as under the existing scheme of the Constitution, left to be determined by the President, on the advice of the Election Commission; and the Election Commission's advice is binding on the President. On the same lines, if a disqualification has to be removed, or if the period of disqualification is to be reduced or maintained to the maximum period of six years, then again it is the President who has to determine it on the advice of the Election Commission, whose advice is binding on the President. That is another basic change which has been

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made. So far as I can see, the other amendments are only consequential amendments which are necessary because of the amendment to Section 8A; even with regard to Section 8A, the position is that we have taken care to see that both the cases are covered; for example, there may be some cases where the disqualification has already been incurred because the judgment has been delivered, the appeal has been disposed of, and the six-year period is there; and even then the man will have no relief because of the present peremptory provision. Under the new amendment he will be in a position, by way of a petition, to move the appropriae authorities, so that the President, with the advice of the Election Commission, can be moved to consider whether, in such cases also the disqualification is justifiable, or not justifiable. But in cases where the disqualification is not already incurred and which might be incurred in future cases, in such cases the authorities specified will refer each such case where an election is declared void on a corrupt practice being found by the court, through the Election Commission to the President; and the Election Commission's advice will be the basis on which the President will either impose a disqualification or will not impose a disqualification or will impose a disqualification for a limited period, or for the entire period of six years. These are the basic changes which are suggested in the amendments.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1951 and the Indian Penal Code, be taken into consideration."

Mr. Mohan Dharia.

SHRI MOHAN DHARIA (Poona): Sir, it is most unfortunate that when we speak of the rule of law in the country, the whole rule of law should be circumscribed to suit some individuals. I would like, with due respect, to submit the any attempt by this august House to enact or amend laws for the convenience of a few individuals as against society will be doing great injustice to the parliamentary institution itself. Without going into the merits or demerits of the Allahabad High Court judgment, there is no doubt in my mind that the Bill in the amended form has been brought forward before the House by the Law Minister to circumvent those issues which have been held by the High Court in favour of the petitioner and against the Prime Minister. Similarly, all possible care is being taken to take away the powers of the Supreme Court in deciding this matter on merits. The amendments now brought forward here are meant clearly to take care of the indispensable leadership of the Prime Minister. There was some doubt whether it was a 20 point or 21 point programme, but I am convinced that it is a 20 point programme as referred to by Mr. Subramaniam plus one more point and that is to save the Prime Minister from the judgment given by the Allahabad High Court. That is the 21 point programme which has been put forward.

MR. SPEAKER: Don't attribute motives to the Parliament. Parliament is a sovereign body.

SHRI MOHAN DHARIA: I am not saying that Parliament is not a sovereign body. When there is an attack on the whole of Parliament from the executive. I am too an all a man to launch any further attack. It is the executive which has launched the severest possible attack on Parliament and parliamentary institutions in the country.

So far as this Bill is concerned, I can very well understand and that there is a lot of scope for amending our election laws. But the Prime Minister and the Minister of Parliamentary Affairs have given the assurance on the floor of the House that before any amendments to the election laws are

introduced, the opposition and all sections of the House will be taken into confidence and an exhaustive amendment will be brought to the election law. I am not opposed to amendments. I quite understand that if a candidate is elected by thousands of people, on technical grounds the candidate should not suffer. We could have taken care of the rampant corrupt practices and the role of huge money power in elections. We could have taken care of defections. It is in this context that I appeal to the House through you: Let us apply our minds in a very dispassionate way. I do realise that changes in election laws are necessary, but it should be for the whole of democracy, for the whole of society, and not to suit a few individuals, whatever be the stature of the individuals. Therefore, I am here to oppose the amendments as have been brought forward by Mr Gokhale. I would respectfully submit that these amendments are of a character which requires a lot of consideration. Mr Gokhale himself said that this is a basic change that is being introduced through this amendment. When the word has been used by the hon. Minister that there is a basic change, even under the rules, some time has to be given. I draw your attention to Rule 93. If such an amendment is brought forward and if it is considered, then that Bill cannot be passed on the same day; it is to be passed on the next day.

Rule 93 is very clear. Under the circumstances, may I request you to give some time to move our amendments. Nobody has so far moved an amendment to set aside this Rule 93. I would like for the information of the House to read Rule 93.

AN HON. MEMBER: The rules have been suspended.

SHRI MOHAN DHARIA: No, it has not been suspended. I am sorry. (*Interruptions*).

I would like to have your ruling whether the rules for the passing of the Bills have been suspended by the House

(*Interruptions*)

MR. SPEAKER: These matters were dealt with last week. Why do you repeat them again now?

SHRI MOHAN DHARIA: I am thankful to you. As far as Rule 93 is concerned, these procedural rules are not suspended as per my information. The records of the House are very clear. I quote here Rule 93. It says:

"Where a Bill has undergone amendments the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made."

A stage has come because the hon. Minister has given notice of a series of amendments.

(*Interruptions*)

They are perfectly all right. So, my submission to you is that for such amendments, we should be given enough time even to propose our own amendments to the amendments. That we can do under the rules. I would like to beg of you that let this House not be converted into a place to suit the dictatorial pattern as has been introduced in the country.

(*Interruptions*)

I am not here to be cowed down. You can raise your voice.

(*Interruptions*)

You cannot cow me down that way. So, my submission to the House is that this Bill is nothing but surrender of a perliamentary democracy to the coming dictatorship and therefore I oppose this Bill very vehemently.

SHRI YASANT SATHE (Akola): That is the only thing you wanted to do.

(*Interruptions*)

He did not utter a word on the merit of it. He was only imputing motives. That is all that he wanted.

(*Interruptions*)

SHRI MOHAN DHARIA: Sir, you made a suggestion that I should not take more time.

SHRI INDRAJIT GUPTA (Alipore): Mr. Speaker, Sir, whether any particular individual at a particular moment of time will derive any advantage or benefit from these amendments or not, does not affect, in any way, the actual merit of the amendments. We have to judge the merit.

SHRI MOHAN DHARIA: You are in their company.

(*Interruptions*)

SHRI INDRAJIT GUPTA: You were also in this company all these years. At least, Mr. Speaker, unlike Mr. Mohan Dharia, I never left my party in order to join (*Interruptions*) another party and to become a Minister there. I did not defect from my party to become a Minister.

SHRI MOHAN DHARIA: For the information of the Members, I would like to say that when I defected, I resigned from all the posts.

(*Interruptions*)

If the Prime Minister assures that the bye-elections will be held within two months, I am prepared to resign. (*Interruptions*).

MR. SPEAKER: Order please. Kindly sit down. You better make such a code of conduct outside as to under what conditions to remain in the party and what not. Please do not discuss it here.

SHRI S. M. BANERJEE (Kanpur): He thinks that he is the only person in the opposition. Let the country know. (*Interruptions*) that he has defected (*Interruption*).

MR. SPEAKER: Order please.

SHRI S. M. BANERJEE: We never defected. He is a defector.

(*Interruptions*)

MR. SPEAKER: Order. Shri Indrajit Gupta.

SHRI S. M. BANERJEE: He is a born defector.

(*Interruptions*)

SHRI MOHAN DHARIA: If it is to go on record, I would like to offer my explanation.

MR. SPEAKER: Mr. Mohan Dharia, it is very easy to explain the records these days. Order please.

(*Interruptions*)

I have called Mr. Indrajit Gupta to speak.

SHRI INDRAJIT GUPTA: Personally, I do not approve of not allowing Mr. Mohan Dharia to have his say. I do not understand what is the purpose behind it.

(*Interruptions*)

MR. SPEAKER: You better address me for a speech.

SHRI INDRAJIT GUPTA: I mean we thought that was one of the advantages we were getting as a result of the steps taken since the emergency. So, at least, observe that now. The thing is that Mr. Mohan Dharia's way of looking at these amendments. I am afraid, is something which is quite wrong. Let me say quite it clearly. If the Prime Minister or any other individual, who may be involved in a particular case or something like that is going to derive any advantage through these amendments, well, so will anybody else for that matter. These are not amendments which are drafted in such a way that they can only help the Prime Minister and nobody else. I do not understand. I

don't think there is anything concealed or hidden about it. Mr. Mohan Dharia seems to think that because the Prime Minister is involved in certain proceedings before the court, and these amendments may help her, go to her advantage, therefore, these amendments are bad and should not be accepted.

(*Interruptions*)

Everybody knows that. Everybody in the country has got some commonsense. He alone does not have, the monopoly of commonsense.

(*Interruptions*)

Everybody in the country knows why it is being brought now. What is wrong with it?

(*Interruptions*)

SHRI MOHAN DHARIA: Very nice of you

SHRI INDRAJIT GUPTA: Because the reason is this.

(*Interruptions*)

It is a fact that the proceedings before the Allahabad High Court have thrown up certain issues and certain questions which everybody must admit now are not sufficiently clear in the law as it stands. The law does not put, beyond doubt, what should be the actual position regarding those questions I think these questions were never thrown up in any previous election petition case, but, for the first time, they have been thrown up. And certainly if the amendments seek to put beyond a shadow of doubt what the position in law should be regarding these particular two or three points, I don't see what is wrong in it; that is all to the good. But, as far as my party is concerned, of course, I do not share and we do not share that kind of concept—well, we do not like using these words—but the idea of a parliamentary set up, a parliamentary constitution and parliamentary democracy in which all these three institutions—the Executive, the Judiciary and the Parliament—are the three pillars on which our Constitution rests, and therefore all the three have got absolutely the same status and equal status, we do not accept this.

This Parliament represents the sovereign will of the people. We have seen, time without number, in the past that matters which have been decided by this Parliament, which have been legislated by this Parliament, are completely overthrown and upset by the will of some judge sitting in a court somewhere. And because that is the Judiciary—I have got all respect for the Judiciary—it should not be put on a pedestal higher than the Parliament which represent the sovereign will of the people. Then what kind of democracy will you have? In the same court, different judges and different benches will give contradictory interpretations about the Constitution and various laws. We have gone through this experience from 1969 onwards This battle was fought here. Several times we had to amend the Constitution only because of that.

These are not such fundamental issues as we had to deal with at that time. For example, this question as to from when it will be reckoned that a certain person is to be counted as a candidate or has held himself out as a candidate is not such a fundamental issue. At present, the position was such that anybody could interpret it in any way he liked. The Allahabad High Court has interpreted it in a particular way. It is entitled to do it according to law as it stood for so long But ten other judges give ten different interpretations, ten other judgments, on that point. I know, some gentlemen used to sometimes issue statements in the press saying, "I am going to stand from 15 constituencies simultaneously." I do not want to name anybody. Before the General Elections, one gentleman issued a statement saying, "I propose to contest from 15 constituencies."

MR. SPEAKER: Even now there are many persons who are thinking like that.

SHRI INDRAJIT GUPTA: Does it mean, in that case, that statement is to be taken as evidence of his having held himself out as a candidate in those 15 constituencies and, thereafter, he has to be held responsible for whatever happens anywhere in those 15 constituencies? It is ridiculous. Apart from any legal understanding of the position, I think, that commonsense dictates that from the date when your nomination paper is accepted, you are the candidate. Before that, you may go about talking anything under the sun. Why should anybody take you seriously?

I am glad, Mr. Gokhale, has come forward with this amendment to the amendment. Yesterday, I was also wondering. There is a big gap between the notification of an election and the date of a nomination. It is an anomalous position. In that period, many things can happen. A person can change, his mind; he can switch over from one constituency to another; he may decide not to stand for election. Anything can happen. So, this is the correct thing that has been done. This will apply to everybody hereafter. Whether it applies to Shrimati Indira Gandhi or not today, I am not concerned with it. It will apply to everybody hereafter Otherwise, the court can give any kind of interpretation on this

SHRI MOHAN DHARIA: What about retrospective effect?

SHRI INDRAJIT GUPTA: It applies to all cases which are pending. There is not only Shrimati Indira Gandhi's case. There may be other cases also pending.

SHRI MOHAN DHARIA: How many cases are there?

SHRI INDRAJIT GUPTA: I do not know.

SHRI MOHAN DHARIA: Let them tell us how many cases are there.

SHRI INDRAJIT GUPTA: As far as the proposed amendment to Section 123 of the principal Act is concerned, regarding the Government officer discharging certain duties or providing certain facilities or making certain arrangements in the discharge or purported discharge of his official duty, the only point I wish to ask, as a clarification, is that in regard to all those classes of Government servants who are to be brought within the purview of this, where are the official duties prescribed *in extenso*? What exactly do you mean by "discharge or purported discharge of is official duty"? How is the court to judge that" Suppose a point comes up in a particular case, whether he has actually done it in the discharge or purported discharge of his official duty, is there such a compendious, all-embracing, comprehensive prescription of the official duties of each of these classes of Government officers laid down by which the court can proceed? I do not know. How do you wish this thing to be properly decided upon? I am not quite clear.

About the appointment, resignation, termination of service, dismissal or removal from service also, I think, what has come to light is a ridiculous position. The arguments can go on before the courts for weeks together as to how it is to be proved whether a person has resigned or not resigned, when he resigned, when he tendered his resignation and when his resignation was accepted and all that. Whatever it is, the matter should be put beyond doubt. This cannot be a matter on which there should be endless argument. So, this amendment seeks to say that once it is published in the official Gazette, that should be taken as the conclusive evidence. That is

a very fair thing. That should apply always Why should this be open to doubt at all. I do not follow. This is the type of amendments which are here.

Mr. Gokhale has explained the reasons for the latest amendment. Mr. Mohan Dharia has said that he agrees with the general principle behind it, that a person who may have committed a very small, technical default should not be subjected necessarily to the maximum penalty. The idea is quite sound. There is nothing wrong in that.

I do not think that the whole thing should be looked at only as Mr. Mohan Dharia has sought to look at it. About taking away the Supreme Court's powers, well, I am all for taking away the Supreme Court's powers in many things, and I think, more things will come. I am not prepared to put the Supreme Court on a pedestal. The Parliament is supreme, The Parliament has to be supreme. Otherwise, say good bye to democracy. I do not share the view of those friends who always used to say that the Judiciary is supreme .

MR. SPEAKER: That Montesquieu theory is getting out-dated

SHRI INDRAJIT GUPTA: Which one?

MR. SPEAKER: The Montesquieu theory of 'separation of powers' which you were quoting.

SHRI INDRAJIT GUPTA: I must say one thing. I partly agree with one idea which Mr. Mohan Dharia seemed to be trying to project, and that is that, since we are discussing a Bill for reform or amendment of the electoral laws, I think this opportunity should have been taken by the Government with a little more imagination and foresight to include certain other provisions also. You may not be able to bring forward a total comprehensive overhaul of the entire electoral laws just now, because you are not prepared; there can be no other reason. It is being discussed and discussed for a long time. Mr. Gokhale will remember that, in the last Session, there were several meetings with the leaders of the Opposition, and many people had submitted their views in writing; printed memoranda and all that were given. There was enough time to process all these things and to come forward with some more important amendments, and we would have welcomed that. I am sorry this opportunity has been lost. Perhaps the Government will say that they are thinking of some Bill which they will bring in future and so on. But we cannot go on tinkering with these things every time—today do a little, piecemeal tinkering, and after two weeks a little bit and so on. I am afraid this kind of method is being adopted even with regard to the Consitution It should not be amended every month or every 15 days. We should think out the things properly beforehand and come with all the amendments together.

Yesterday, my friend, Mr. Viswanathan, and I were going through the Report of the Joint Select Committee on election reforms, and we found that there were some quite important and useful suggestions which were given by them as unanimous recommendations. The Joint Select Committee, including the members of the Government who were members of that Committee, had unanimously recommended certain things. I fail to understand why at least those few points could not be incorporated in this Bill. They were unanimous. Generally when a Joint Select Committee gives a unanimous report, it is accepted; generally, it is not amended or altered even when it comes before the House. And what were those five points which were unanimously agreed? One was that there should be a multi-member Election Commission.

[Shri Indrajit Gupta]

This was a unanimous recommendation. How it is to be constituted, how many members are to be there and all that can be decided later, but a provision could be made for a multi-member Election Commission. The second point that they had recommended was reduction in the voting age from 21 to 18 years. This was a unanimous recommendation, and I think that, in conformity with the spirit of the times, there is nothing which is more urgently required than this. Some people ask: how can anybody be mature enough at 18 to vote? The age of 18 is considered mature enough to be drawn into all kinds of agitations, and nobody seems to think then that they are immature.

Anyway, this was a unanimous recommendation. The third recommendation was that broadcasting time on the radio should be provided to all recognised parties as part of the election campaign. This was a unanimous recommendation. The fourth is with regard to electoral reforms It is very very important, but not something which cannot be done; it is very easy. The recommendation is that electoral rolls must be corrected, revised, amended and maintained always up-to-date. This is very necessary. If you are to be fair to the voters, a provision has to be made that the electoral rolls are kept in a constantly up-to-date manner. The fifth recommendation is that the present ceiling on election expenses should be raised. This is a suggestion which the ruling party has also approved of in their party conclaves, the only one perhaps. What we feel very strongly is that when you are after a long time coming forward with an amending bill, this opportunity should have been taken; it would have been much better, much more feasible, much more presentable, practical and much more acceptable to the country at large, if you had incorporated at least these unanimous recommendations in this Bill. I am very sorry that this has not been done and this opportunity has been lost.

This Bill before us is a limited one with reference to certain limited provisions, but as I have already said, I see nothing wrong in those. I would also have been happy if a little more time was available to us to digest them better, but I do not think, much material change would have come as a result of that. As a matter of fact, the whole of yesterday was available to draft certain amendments and I find certain amendments have been circulated. Mr Mohan Dharia has also given one.

We support this Bill, but I hope Mr. Minister in his reply will tell us something as to whether they have given a go-by completely to the question of more radical reforms to the election laws, or whether they have anything concrete in mind or whether we can anticipate that in the next session we will have some Bill before us, that is very urgent and necessary.

With these words, we support this Bill.

SHRI G. VISWANATHAN (Wandiwash): Mr Speaker, Sir, the Law Minister has brought forward certain amendments which are going to be very useful at least in the future. When Mr Mohan Dharia criticised this Bill, I think, he started looking at these amendments through the glass of the Janta front. That is why, he said that this is meant only for an individual. This may give some advantages to one individual, but certainly that is not going to be only for that individual. It is going to the advantages of so many hundreds and thousands of candidates in future also. For example, the definition of the candidate has been amply made clear by the Law Minister. The main question which was agitat-

ing this country for a long time was whether Parliament was supreme or the judiciary was supreme; that has been decided for once and for all. I think, the people also have agreed that the supremacy of Parliament has come to stay in this country.

We know the mind of the judiciary in this country, for example their decision on the bank nationalisation case, their decision on the abolition of privy purses and privileges, and again so many land reforms Acts of so many States have been thrown out. We were hoping that the judiciary will make law by interpretation of law. I think, this is a wrong attitude. It is for the Parliament and the State legislatures to make laws.

There are certain High Courts where you can purchase justice. I deliberately tell this in the House so that the Law Minister can take note of this. When the citadel of justice becomes corrupt and sometimes the executive also joins it, what is the alternative for us? For example, there is a High Court in our country where the Chief Justice and the Chief Minister joined together to start new ventures and industries. How are we going to get justice from this High Court? There are certain High Courts, where two or three judges give different views on the same question.

How is this going to be decided? The poor District and Sessions Judges cannot take a decision in this case at all. Hitherto, the disqualification was automatic, but, I am glad now the power is going to be vested with the President. But I am not sure who will approach the President. Mr. Gokhale said that the case shall be submitted by the prescribed authority to the President. The President could not act on his own and he has to act on the advice of some prescribed authority. Who will be that prescribed authority—I do not know. Then the President has to be guided by the opinion of the Election Commission. The President is not given all the powers. He has to go by the opinion of the Election Commission.

As it has been pointed out by my friend, Shri Indrajit Gupta, the Communist Party leader, there had been consultations among the Opposition Parties and the last instance was when the Prime Minister had a meeting with the leaders of the Opposition regarding electoral reforms. Almost all the Parties were asked to give their opinions and views. We have also submitted our Party's views. For example, we have emphasized that the right to recall should be prescribed in our laws. When a member, whether he is a Member of the Assembly or the Parliament, gets elected, he thinks he can never be disturbed and that he can treat the people like slaves. In other constitutions like that of USSR and Switzerland, there is already an article for recall. We have asked the Government to consider that question also.

Among the various other points mentioned by Mr. Indrajit Gupta, the question of having a multi-member Election Commission and also lowering the voting age from 21 to 18, giving facilities in the All India Radio to other Parties—these points have been accepted unanimously by the Joint Select Committee presided over by Shri Jaganatha Rao on Election Reforms I thought that the Government would have taken into consideration some of them and introduced them in this Bill. The Minister has not given any consideration to them. At least in future, I hope the Government will consider these unanimous recommendations of the committee and the views placed by the parties before the Prime Minister and he will bring forward the necessary amendments to the election law.

Finally, there are certain amendments which are given here and I think they are quite welcome and

[Shri G. Viswanathan]

they will every useful to the candidates for the future. Hence, I welcome this Bill.

SHRI H. R. GOKHALE: There are some points raised and I thought it is desirable that I should deal with them.

As I have said in my opening speech, the Bill seeks to remove the loopholes which have led to a situation which is ridiculous with regard to 'holding out'. For example, as you indirectly indicated, when I intervened when my hon. friend, Mr. Indrajit Gupta was speaking, from the point of view of the wider concept which is now recognized, everyone of us is holding out from now on for the next elections because I have an office in my constituency and I believe most of us have and even if we do not have our offices, we do nurse our constituencies, so that, when the time comes, we will be able to participate in the next elections. We may or may not or we may contest from another constituency also. Therefore, the situation as interpreted, has gone, if I may say so, to such a ridiculous extent that nobody was safe from attack on the ground of this 'holding out' concept. Therefore, I said it is overdue that this change ought to have been made and that is what is proposed to be made now. If everyone has studied the text of the proposed amendments or the content of the amendments, they leave no doubt that it is not intended for any single individual. In fact, it has been made applicable to all pending cases. It has been made applicable to cases which have been disposed of by the High Courts but where the period of limitation has not expired for filing an appeal; so it has been made applicable to all pending cases in appeal also. And it makes no distinction whatsoever between one case and another. In my submission it is useless to say that this is again a special case made for any particular individual.....

SHRI MOHAN DHARIA: Then why don't you come with a comprehensive Bill on election laws?

SHRI H. R. GOKHALE: That is not the point you have raised, but it has been more validly and appropriately raised by Mr. Indrajit Gupta and also by my friend, Mr. Viswanathan, in the course of his speech. When I come to that, I will deal with that also.

Therefore, I do not think it necessary to deal with any other part of Mr. Dharia's speech at this juncture because I consider it, with all respect to him, completely irrelevant and beside the point.

A point has been made that this Parliament is supreme. Nobody ever questioned it. This Parliament had assured its supremacy when its supremacy and sovereignty was questioned by the judicial decision. It is not necessary to remind the House of the number of occasions on which this Parliament has acted to establish the sovereignty and supremacy which it always had and which I assert it will always continue to have in future

I agree that we might have to have an overall look, may be, even at the Constitution itself, to see that no future situations arise where the final word of the Parliament itself is challenged. It is true that the question of electoral reforms on a comprehensive basis has been the subject matter of discussion in the public at large. There had been a general debate on it. Some initial discussions had been started with the opposition parties. I must point out, in respect of a few points, not all the points, discussions were held at that time At a later stage some of the opposition parties wanted postponement of these discussions and the discussions could not continue. But in such mat-

ters discussions had taken place. My hon. friend Shri Indrajit Gupta had been present in most of the meetings. There was no unanimity even among the opposition parties on the question of election expenses. He was right in saying that we had to raise the limit. But at that time there was no unanimity in the meeting on this point among the opposition parties. I am not saying that we should not consider it. Anyway, it is not a matter of legislation. The limit is not fixed by the Act, it is fixed by the rules framed under the relevant provision of the Act and the question can be considered independently after the present legislation.

There are other issues, for example broadcasting. A reference was made to electoral rolls and also to a Multi-Member Election Commission. No amendment, either of the Constitution or of this Act is necessary because constitutional provision as at present pre-supposes the possibility of constituting a Commission of more than one Member That is a matter for understanding—political decision, reaching a consensus with everybody and Government taking a decision thereafter Therefore, it could not form part of the present amendment. I am grateful to Shri Viswanathan and Shri Indrajit Gupta for having pointed out to me three or four matters. I considered them but when I found those were not matters of legislation, I did not include them in the legislation. These points have been left for discussion with them and the opposition parties and proper action will be taken at that time.

I am saying with regard to the completion of the electoral rolls. Now as it is not in the Act but in the rules which are framed under the Act, periodical revision of electoral rolls has already been made mandatory and particularly so before the general election. But when any further suggestions for change are received, we are certainly willing to consider them. For example, it has been accepted and included in the other Bill that instead of 2 qualifying dates it should be four. Government has considered it. But I must say that after all this experience and the debate which has taken place, it may be that even the Bill which we have put before the House for consideration may not be enough and we may have to have a look at the scheme of the Act and the whole question of electoral law reform independently. At a later stage when that study in depth is made we can come before you for appropriate legislation in this regard But I assure the hon. Members that the question has not been given a go-by as Mr. Indrajit Gupta apprehended. I want to assure him that it is not given a go-by, but the matter is still kept alive and every aspect of the question will be considered carefully

One point which was made was with regard to the proposed amendment with regard to discharge of duties by Government servants. Now, Sir, the Clause is wide. I agree. The Government has to discharge all duties not necessarily, under rules or instructions But there are rules. These rules and instructions have been in existence. Therefore, when they are in existence, thre is no question that they are directly in discharge of those duties which arise as a result of those rules Situations arise· for example, Mr Jayaprakash Narayan has been addressing meetings in Delhi and other places. Even though it was not protected by any rules as a mere matter of affording security to him, and for preventing violence, as a mere matter of maintaining law and order the authorities discharge certain duties to see that Mr. Jayaprakash Narain is protected. Therefore, this is not only in respect of important dignitaries like the President or Vice-President or the Prime Minister or for that matter some other dignitary. But the provision is so wide that if tomorrow for

[Shri H. R. Gokhale]

example if hon. Mr. Dharia is in a situation where he needs protection, the officials have to discharge their duties, and the discharge of duties cannot be said to have anything to do to assist the prospects of election of Mr. Dharia. That is the purpose of the amendment.

SHRI MOHAN DHARIA: I want protection from authoritarian rule.

SHRI H. R. GOKHALE: I don't know; perhaps time has come when you will require protection from the people themselves.

SHRI MOHAN DHARIA: Not in the least. If you assure this House to hold bye-election in Poona, in my Constituency within two months, I am prepared to resign, Can you give that assurance, I am ready. I don't want to get any protection; I shall get enough protection from the people. I am not going to oblige you that way, by resigning without this assurance.

SHRI H. R GOKHALE: The question is not whether hon. Mr. Dharia needs protection.

MR. SPEAKER: When he was a Minister I went to Poona, to his house and I was surprised, it was well protected by the police.

SHRI MOHAN DHARIA: They came with you, Sir, not for me.

SHRI H. R. GOKHALE: The question is not whether Mr. Dharia needs it or not. His life is so valuable that we must give him that protection, whether he likes it or not.

SHRI MOHAN DHARIA: Thank you very much.

SHRI H. R. GOKHALE: Here it is a matter for the authorities of doing everything that is necessary to see that every citizen of the country, every candidate for the election, is protected. The officials concerned with State Governments or other Union Territories or of the Central Government act under instructions when the instructions are there. On the general question of treatment of law and order issues, violence and things like that, they have to discharge this. It is their duty. That is the thing which this amendment seeks to cover.

12.00 hrs.

Then, Mr. Viswanathan asked, who is to approach the President for removal of the disqualification. The Clause makes it clear as I said earlier. It is in two parts because it has to take care of the case where the disqualifications have already been incurred. And because of the mandatory provisions in the Statute, now one is helpless even though the officers may be found guilty of an offence of a very technical nature or of a very insignificant gravity. Now, he can make a petition to the authority specified—specified after the passing of the Act—and the Election Commission will examine the case and recommend to the President as to what action if necessary, will have to be taken where the disqualification has already been incurred. In future cases, it may happen where for example, there is a duty on the specified authority itself to take up his case, to put it before the Election Commission and, on the advice of the Election Commission which, in line with Article 103 of the Constitution, as I said earlier, the President has to Act. This is the object of that provision.

The other provisions I have already dealt with in my opening speech and, I suppose, there is no doubt with regard to any of the provisions that they were necessary and they protected all those anomalies and ridiculous

situations which arose on account of the Act as it is and on account of the various judicial interpretations.

Sir, I would strongly recommend that the Bill be taken into consideration.

SHRI D. N. TIWARY (Gopalganj): Sir, I want to know whether Government is considering the proposal to postpone the elections to Parliament till the Election Law is amended?

SHRI H. R. GOKHALE: The question does not arise. It has nothing to do with the amendment in question.

MR. SPEAKER: Now, the question is:

"That the Bill further to amend the Representation of the People Act, 1951 and the Indian Penal Code, be taken into consideration."

The motion was adopted

Clauses 1A to 1D (New)

MR. SPEAKER: We shall now take up clauses 1A to 1D (New). This is a new Clause There is one amendment No. 18 by Shri Gokhale.

Amendment made

Page 1, *after* line 3, *insert*—

'1A. *Substitution of new section for section* 8A.—In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), for section 8A, the following section shall be substituted, namely:

"8A(1) *Disqualification on ground of corrupt practices.*—The case of every person found guilty a corrupt practice by an order under section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975, may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion."

1B. *Amendment of section* 11.—In section 11 of the principal Act, after the words "under this Chapter", the brackets, words, figure and letter "(except under section 8A)" shall be inserted.

1C. *Amendment of section* 11.A—Section 11A of the principal Act shall be re-numbered as sub-section (1) thereof and—

(a) in the sub-section as so re-numbered, clause (b) shall be omitted; and

(b) after the sub-section as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for

[Mr. Speaker]

the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (1) of section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975, as if such decision were a decision in respect of the said disqualification for voting also."

ID. *Amendment of section* 11B.—In section 11B of the principal Act, for the words "any disqualification under this Chapter" the words, brackets, figures and letter "any disqualification under sub-section (1) of section 11A" shall be substituted". (18)

(Shri H. R. Gokhale)

MR. SPEAKER: The question is:

"That new Clauses 1A to 1D stand part of the Bill".

The motion was adopted.

New Clauses 1A to 1D were added to the Bill.

Clause 2 (Amendment of section 77)

MR. SPEAKER: Now, I shall take up Clause 2. There are three amendments by Shri Sher Singh.

PROF. SHER SINGH (Jhajjar): I move:

Page 1, line 8,—

for "of any" *substitute* "of security" (1)

Page 1, line 9,—

omit "facilities provided or any other act or thing done" (2)

Page 1, lines 11 and 12,—

omit "or purported discharge" (3)

क्लाज 2 के अन्दर मैंने तीन एमेंडमेंट्स दी हैं। इनको देने का उद्देश्य यह है कि एक्सप्लेनेशन के अन्दर बहुत सी ऐसी पावर्ज दी गई हैं जिन का कभी भी दुरूपयोग हो सकता है। इसमें आपने कहा है :

"any arrangements made, facilities provided or any other act or thing done by"

इसका मतलब यह है कि सरकारी अफसर को खली छूट है कि कोई इनजाम करे, कोई भी फैसिलिटीज दे, कोई काम करे और जो कुछ भी वह करेगा उस में जो भी खर्चा वह करेगा वह खर्चा कैंडीडेट के खर्चे में शामिल नहीं होगा इस वास्ते मैंने यह कहा है जैसे आपने अभी कहा है कि सिक्योरिटी अरेंजमेंट्स सभी के लिए होने चाहिए जो ठीक बात है लेकिन मैंने जो एमेंडमेंट दिया है उस में डिफाइन कर दिया है कि आफ एनी की जगह आफ सिक्योरिटी कर दिया जाए। इसके अलावा मैंने "facilities provided or any other act or thing done" को डिलीट करने के लिए कहा है। आगे चल कर जहां लिखा है 'और परपरटिड डिसचार्ज आफ हिज आफिशल ड्यूटी' इसमें आपने उसको बहुत ज्यादा छूट दे दी है। सीधा आप रखते डिसचार्ज आफ पब्लिक ड्यूटी तब तो ठीक था। परपरटिड डिसचार्ज जब आपने रख दिया है तो वह कोई भी बहाना बना कर जिस किसी की मदद करना चाहे गा कर देगा और इलेकशन फ्री और फेयर नहीं हो सकेगा जो कि एक्ट का भी मकसद है। वह कैंडीडेट की खुल कर मदद कर सकेगा और जो भी खर्च उस में होगा वह खर्च भी उम्मी-

दवार के वर्क में शमिल नहीं होगा। इस वास्ते आर परपरटिड डिस्चार्ज शब्द आप निकाल दें। सिक्योरिटी के लिए रखना तो ठीक है लेकिन इतनी खुली छूट देना ठीक नहीं है और मैं समझता हूं कि यह चीज फ्री और फेयर इलेक्शन के खिलाफ होगी (व्यवधान) मेम्बरों का काम केवल ढोल पीटना है? हाउस की डिगनिटी का तो आप ख्याल करें। (इंटरप्शंज) मैं समझता हूं कि इतनी खुली छूट आप देते हैं तो उसका नाजायज इस्तेमाल होगा और फ्री और फेयर इलेक्शन नहीं हो सकेंगे। इसका जवाब आप अगर दे सकें तो दे दें।

SHRI H R. GOKHALE: Sir, I have already dealt with these points and I have said you cannot restrict it only to security because occasions can be of different nature. I as an ordinary citizen want to contest an election and apply for the electricity connection to be given to me from the nearest pole for my microphone to work. Some government servant of the Electricity Board has to do that job and yet you say he has been functioning as a Government servant and assisted you in the discharge of his duties. It does not come under security So, I am not in a position to accept the amendments.

MR. SPEAKER: I will now put amendments numbers 1, 2, & 3 to the vote of the House.

Amendments Nos. 1 to 3 were put and negatived.

Amendment made:

Page 1, *for* lines 4 to 6, *substitute*—

'2. In section 77 of the principal Act, in sub-section (1)—

(a) for the words "the date of publication of the notification calling the election", the words "the date on which he has been nominated" shall be substituted;

(b) after *Explanation* 2, the following *Explanation* shall be inserted, namely:—' (19)

(Shri H. R. Gokhale)

MR. SPEAKER: The question is:

"That clause 2, as amended, stands part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 (Amendment of section 79)

Amendment made:

Page 1, *for* lines 18 to 22, *substitute*—

'(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at any election;'.

(Shri H. R Gokhale)

MR. SPEAKER· THE question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 (Amendment of section 123)

MR. SPEAKER: We shall now take up Clause 4.

PROF. SHER SINGH: Sir, I beg to move:

"Page 2,—

omit lines 2 to 6. (5)

Page 2, line 11,—

omit "or purported discharge" (6)

Page 2, line 11,—

for "any" *substitute*—

"security" (7)

[Prof. Sher Singh]

Page 2, lines 12 and 13,—

omit "or provides any facilities or does any other act or thing, for, to, or in relation to," (8)

Page 2, line 13,—

for "any" *substitute*—

"for any" (9)

Page 2, lines 16 and 17,—

omit "facilities or act or thing" (10).

Page 2,—

omit lines 19 to 37." (11)

जो एमेंडमेंट्स क्लाज नम्बर 2 में दी गई हैं उन्हीं को चार में भी दोहराया गया है। उसी ढंग की ये भी हैं ....

अध्यक्ष महोदय : वे रिजेक्ट हो गई हैं तो दुबारा देने से क्या फायदा ?

प्रो० शेर सिंह : ये दूसरे कंटेक्स्ट में हैं। इसमें खर्च का सवाल नहीं है। दूसरी बात है। इसलिये मैं इनको मूव करता हूं।

MR. SPEAKER: Now, I shall put Amendments Nos. 5 to 11 to Clause 4 moved by Prof. Sher Singh to the vote of the House.

Amendments Nos. 5 to 11 were put and negatived

MR. SPEAKER: The question is:

"That Clause 4 stand part of the Bill"

The motion was adopted

Clause 4 was added to the Bill

MR. SPEAKER: Now, we shall take up Clause 5. There is no amendment. The question is:

"That Clause 5 stand part of the Bill"

The motion was adopted

Clause 5 was added to the Bill

MR. SPEAKER: Now, there is an amendment, amendment No. 17, by Shri Amrit Nahata, seeking to introduce new Clauses 5A to 5D. Is he moving it?

SHRI AMRIT NAHATA (Barmer): In view of the fact that my amendments have partly been accepted by the Minister, I am not moving it.

Clause 6 (*Amendments to have retrospective effect*)

MR. SPEAKER: Now, we take up Clause 6. Apart from the Government amendment, there is Amendment No. 12, by Prof. Sher Singh.

PROF. SHER SINGH: Sir, I beg to move:

"Page 3,—

omit lines 1 to 11" (12)

अध्यक्ष महोदय, मैं ने यह संशोधन दिया है कि इस धारा के भाग (2), (3) और (4) को डिलीट कर दिया जाये, क्योंकि अगर हम इस क्लाज को इसी रूप में पास कर दें, तो यह डिसक्रिमिनेटरी हो जायेगी। जिन लोगों ने अभी तक अपनी चुनाव-याचिका दाखिल नहीं की है, उन्हें तो मालूम है कि कानून क्या है और वे उस के हिसाब से अपनी याचिका पेश करेंगे। जो लोग पहले ही अपनी याचिका पेश कर चुके हैं, उन को यह पता नहीं था कि यह कानून आने वाला है। अगर उनको यह मालूम होता कि यह कानून बनना है, तो शायद वे कोई याचिका दाखिल न करते, और उन्होंने जितना खर्चा किया, वह बेकार न जाता। भाग (1) तो ठीक है। उस में लिखा है :

"in respect of which any election petition may be presented after the commencement of this Act;"

जो लोग अपनी याचिका दाखिल कर चुके हैं अगर उन को पता होता कि यह कानून है, तो वे किसी और मुद्दे को ले कर कोशिश करते । उन्होंने सोचा कि आज यह कानून है और अगर यह साबित कर दें, तो बात बन जाती है । इसलिए उन्होंने उसी पायट पर जोर दिया और दूसरे पायंट पर जोर नही दिया । अगर उनको पता होता कि यह कानून बदला जाना है, तो वे उन मुद्दों को पकडते । अगर हम इस कानून को यह कह कर विद रिट्रोस्पेक्टिव इफेक्ट कर दें कि जिन लोगों ने अपनी चुनाव याचिका दाखिल नही की है, यह उन पर लागू होगा, और जो दाखिल कर चुके है, उन पर लागू नही होगा, तो डिस्क्रिमिनेटरी नही होगा अन्यथा यह डिस्क्रिमिनेटरी होगा ।

MR. SPEAKER: Mr. Mohan Dharia has also an amendment, No 13, to Clause 6.

SHRI MOHAN DHARIA: Sir, I beg to move:

"Page 3,—

omit lines 3 to 11" (13)

Sir, a charge has been made against me that my speech was subjective and it was irrelevant according to the hon. Minister.

Sir, I want to make it very clear that I was very much to the point. May I know from the hon. Minister if he is prepared to have an exhaustive amendment of the Act in an integrated manner to consider the whole of the election law. Then let us postpone this whole discussion. Let us have that exhaustive law and let us take that into consideration. The very fact that the Bill has been brought with such urgency, the very fact, as I said yesterday, that it was brought with indecent haste to the extent that even circulation was not there for two days...

SHRI C. M. STEPHEN (Muvattupuzha): He is entitled to speak on the amendment.

SHRI MOHAN DHARIA: I am entitled to speak.

These facts show that this Bill is meant for a particular purpose. If it is not that, then my amendment for not making it retrospectively applicable to such election petitions as have been decided by the High Court and which are pending in the Supreme Court should be accepted. I have said that retrospective effect should not be given to this to cover such cases. It is absolutely in order. It has been accepted by you.

SHRI C. M. STEPHEN: How is it in order? It is negative.

MR. SPEAKER: I have been trying to understand what you have been saying. When I saw the number of your amendment—it is 13—then I got satisfied ! That number 13 is always like that—unlucky in some cases.

SHRI MOHAN DHARIA: It is very dangerous.

MR. SPEAKER: I am going to put the amendments now to vote

SHRI MOHAN DHARIA: I was just pleading for my amendment. I have not finished.

MR SPEAKER: I thought that you had said whatever you wanted to say.

SHRI MOHAN DHARIA: I was just on my legs.

I was only submitting to the House that if it is not for a particular purpose, if this is not a subjective Bill, the Government can straightway accept my amendment and I shall also be absolved of the charge against me. I request the hon. Minister to accept this amendment so that nobody will treat this as subjective.

SOME HON. MEMBERS: No, no.

MR. SPEAKER: Did you accept such suggestions when you sat on this side?

SHRI H. R. GOKHALE: I am sorry I cannot accept the amendment. I am opposing the amendment.

MR. SPEAKER: I shall now put amendment No. 12 to vote.

Amendment No. 12 was put and negatived.

MR. SPEAKER: I shall now put amendment No. 13 to vote.

Amendment No. 13 was put and negatived.

Amendment made:

'Page 2, line 42 *for* "The amendments made by this Act in the principal Act", *substitute* "The amendments made by sections 2, 3 and 4 of this Act in the principal Act".'

(Shri H. R. Gokhale)

MR. SPEAKER: The question is.

"That clause 6, as amended, stand part of the Bill".

The motion was adopted.

Clause 6, as amended, was added to the Bill.

SHRI H. R. GOKHALE: There is amendment No. 22 which is consequential, about renumbering of clauses etc. Your goodself may do it.

MR. SPEAKER: I am authorised* to do that.

The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H. R. GOKHALE: I beg to move:

"That the Bill, as amended, be passed".

MR. SPEAKER: Motion moved:

"That the Bill, as amended, be passed".

SHRI MOHAN DHARIA: I do not want to take more time. But I want to make one submission to the hon. Minister *(Interruptions)*.

I am referring to Government Amendment No. 18 which says that—

"the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion."

Sir, may I submit to the Government that I can very well understand the intention of the Government?

(Interruptions)

What I am submitting here is, with your permission, that instead of binding the hands of the President and his authority, it would be advisable to leave the matters to the President after he obtains the opinion of the Election Commission. This is my request to the hon. Minister.

(Interruptions)

SHRI H. R. GOKHALE: For once I am surprised to know that he wants to protect the authority of the Government. Actually he has read out the Article 103. *(Interruptions)*. Then it is all the more reason why this point should not be regarded as absolutely essential. That is provided in the Constitution itself. The second

*Consequent upon the adoption of amendment No. 18 for insertion of new clauses 1A, 1B, 1C and 1D, re-numbered as clauses 2, 3, 4 and 5, the existing clauses 2—6 of the Bill were re-numbered as clauses 6—10 respectively.

thing is that the Election Commission is an independent body constituted under the Constitution itself and instead of leaving it to the President, which means on the advice of the executive and so on, it is better he acts on the advice of the independent body. That is the purpose of bringing this amendment.

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

12.22 hrs.

INDIAN COINAGE (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PRANAB KUMAR MUKHERJEE): Sir, I beg to move:

"That the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration".

Under Section 6 of the Indian Coinage Act, 1906, the Central Government have power to mint coins of such denominations not higher than 100 rupees as the Government may by notification in the official gazette determine.

It is proposed to remove this denominational restriction and permit the minting of a coin of the denomination of 1000 rupees.

In 1968, the FAO invited the Government of India to participate in an International Issue of Commemorative coins as legal tender, in a new action of international goodwill to tackle World Food and Agricultural problems. For obvious reasons, a commemorative coin has to be different from the existing coinage. It is also of advantage if it is of higher value than the normal coins, since such a coin is likely to command a better sale price abroad.

Minting of high denomination commemorative coins has recently become a big numismatic attraction. Several foreign countries are issuing coins of the denomination of $125 (equivalent to Rs. 1,000 approximately) as participants to commemorative series sponsored by the International Union for Conservation of Nature and Natural Resources and the World Wild Life Fund. The preference of collectors of coins for high denominations render these coins highly attractive from the foreign exchange point of view.

India has been in the market of commemorative coinage issues from 1969 and has been selling coins of the denomination of Rs. 10 and even Rs. 50 recently in the international numismatic market in sets of uncirculated quality and in sets of proof quality, as well. The foreign exchange earned from the sale of these uncirculated sets or proof sets has gone up from $62,715 in 1969 to $135,650 in 1974. As high denomination coins contain precious metals like silver and nickel which have to be conserved or which are imported, such coins are usually minted in limited quantity for purposes of promotion of sale in international numismatic markets and earning precious foreign exchange.

We are actively considering participation in proposals which require minting of high denomination coins of Rs. 1000/- but prior to final decision on these issues it has become necessary to amend Section 6 of the Indian Coinage Act, 1906.

I commend this Bill to the House

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration."

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*Moved with the recommendation of the President.

SHRI C. K. CHANDRAPPAN (Tellicherry): I support this Bill. There is nothing much to speak about this. I only take this opportunity to bring to the notice of the hon. Minister that when the Government intends to bring out higher denomination coins, they should pay a little more attention to providing sufficient small coins. That is not a problem directly related to this Bill, I know it. The Government had tried to improve the position in small coins, but even today there is deficiency faced by the common people because of the non-availability of these coins where it is necessary. I just wanted to bring this fact to the notice of the hon. Minister so that Government might take some action about this also. Otherwise we do not have any objection to the Government bringing out bigger denomination coins.

SHRI K. MAYATHEVAR (Dindigul): This Bill has been introduced by the Government with a limited scope, with the object of getting power to mint coins of thousand rupee denomination. We appreciate the Bill and the merits behind it, but as Mr. Chandrappan submitted earlier, the vast majority of the people, the people in the bottom of the society in India, are in need of small coins. Simultaneously, they should be minted and circulated for the day-to-day transactions of the poor and middle class people This may be Considered by the Government.

One very important question is how they are going to dig out black money and reduce inflation by going on printing thousand rupee notes.

SHRI PRANAB KUMAR MUKHERJEE: These are not notes, these are coins.

SHRI K. MAYATHEVAR: It is the same thing.

I do not say that you must destroy the present hundred rupee notes to dig out black money, but I suggest that you demonetise the present hundred rupee notes. It is one of the best devices to dig out black money. As the Government is aware, the smugglers, blackmarketeers, anti-social and-anti-national elements in India are running a parallel Government because of this black money. Therefore, to dig out black money and to arrest inflation, you should declare the present hundred rupee notes to be illegal and issue new ones. This is a golden opportunity for the Government to tackle the incurable disease of inflation and to bring down the price level. Actually, this should have been included in the 20 point programme. The Government may very kindly and sympathetically consider this.

SHRI PRANAB KUMAR MUKHERJEE: I am glad that both the hon. Members who have participated in the discussion have welcomed the Bill. As I have already mentioned in introducing the Bill, this is only to facilitate us to mint thousand rupee denomination coins so that we can take part in the world numismatic market and at the same time earn some foreign exchange.

There is one bright aspect in this. In 1969 for the first time, we went to the world numismatic market and started issuing commemorative coins. In that year we earned foreign exchange to the tune of more than $62,000 and in 1975 it has risen to more than $135,000. More and more coins are being purchased by the numismatic collectors abroad. Therefore, the present limitation which exists in Section 6 of the Indian Coinage Act should be done away with. If we get approval of the proposed amendment by this House, that would enable us to mint coins up to Rs. 1,000 and we hope it would attract in the international and domestic markets those who have the hobby of collecting various types of coins, both sets of uncirculated and proof quality. Therefore, this amendment has been brought forward.

Regarding the problem of small coins, according to the latest Reserve

Bank studies, for the time being there is no problem of the small coins. Perhaps it is known to the Hon. Member that we have augmented our production fixed for these small coins. The three mints in Calcutta, Bombay and Hyderabad are fulfilling their commitments and it would be possible for us to take care of this problem. Whenever such a situation arises, we are alive to the problem and resort to various remedies so that the problem of small coins does not occur.

With these words I thank the hon. Members for supporting this Bill.

MR. SPEAKER: The question is:

"That the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration."

The motion was adopted

MR. SPEAKER The question is:

"That Clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. SPEAKER The question is.

"That Clause 1, the Enacting Formula and the Title stand part of the bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the bill.

SHRI PRANAB KUMAR MUKHERJEE: Sir, I move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed"

The motion was adopted

12.36 hrs.

PUBLIC FINANCIAL INSTITUTIONS LAWS (AMENDMENT) BILL

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): I beg to move*:

"That the Bill further to amend the Industrial Development Bank of India, Act, 1964 the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948, the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956 and the Unit Trust of India Act, 1963, as reported by the Joint Committee, be taken into consideration."

Sir, as the House is aware, the Public Financial Institutions Laws (Amendment) Bill, 1973 was introduced in the Lok Sabha on the 22nd December, 1973 and was referred to a Joint Committee of both the Houses of Parliament during the budget session of 1974. The Joint Committee has concluded its report and the report of the Committee has since been laid on the Table of the House on the 25th July 1975. I now move that the Public Financial Institutions Laws (Amendment) Bill, 1973 as reported by the Joint Committee be taken into consideration.

The term lending financial institutions, viz. the IDBI, IFC, ICICI, SFCs., LIC, UTI and the IRCI, have been playing a very useful role in the industrial development of the country. In recent years, significant changes have taken place in the field of industrial development. The institutions are equipping themselves to meet those challenges. In the financing of major industrial projects, the resources available with the banks are now being increasingly mobilised by the Development Bank by arranging consortia. The institutions have adopted convertibility guidelines in cases of substantial financial assistance to industrial concerns in the private sector and are taking steps to associate themselves, at policy level, in the management of

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* Moved with the recommendaton of the President.

(Shri C. Subramaniam)

such concerns. Increasingly common approaches are being evolved by the institutions in the effective use of their voting power in the equity capital of enterprises in the private sector, whenever there are indications that such enterprises are mismanaged to the detriment of public interest. To encourage industrial development in backward areas, concessional schemes of finance are being operated by the all-India term financial institutions. A beginning has been made by the Development Bank to survey the industrially backward States to identify their industrial potential and most of the surveys have been completed. Efforts are being continuously made to encourage small and medium enterprises and also to promote a new emerging class of entrepreneurs. At the State level several State Governments are taking steps to promote Corporations to look after the tasks of promotion of infrastructure and other inputs, essential for generating industrial growth.

The time has now come for the Development Bank to play an enlarged role of a principal financial institution for financing industry in closer coordination with the all-India and State level institutions and public sector banks. The Bank has to play the very important function of encouraging industrial development of backward areas and the small and medium entrepreneurs, and removing regional imbalances as far as practicable In this area, closer coordination with the State level financial corporations is called for. The Development Bank, in particular, and the financial institutions both at the all-India and at the State level, in general, would have to build a strong cadre of competent managerial, technical and accounting executives. It has to monitor the progress of assisted units and carry out studies in depth, of the more important ones, in order to ensure the orderly growth of industries as required in public interest. It has also to assist the growth of State level institutions, develop consultancy services and also finance research and developmental activities of industrial concerns. Recently, Government have set up a centralised secretariat for industrial licensing with the association of the financial institutions in some of the committees.

These have given a new dimension to the role of the Development Bank in actively participating with Government in implementing various policies of industrial promotion. The Reserve Bank has hitherto been in charge of the Development Bank through its own Board of Directors. It has, however, to perform its own delicate and complex tasks as the Central Bank of the country. Its functioning in the monetary and credit fields is becoming more and more complex with the changing pattern of the economy The changed circumstances and the need to give a more positive role to the Development Bank as a lead institution, necessitates that the Development Bank has to develop its own expertise and culture and function as an independent institution. Its newly enlarged role will demand the full-time attention of not only a separate Board fully professionalised but also of various full-time specialised key personnel.

The objective of this legislation is, therefore, two-fold Firstly, the capital of the Development Bank and the other financing institutions will be restructured to make the Development Bank as the principal development financial institution, with its links with the other institution Secondly, the role of the Development Bank will be enlarged so that it may function as the principal financial institution to coordinate the functions and activities of the all-India term financing institutions, State Financial Corporations and, to some extent, the public sector banks, in so far as they finance industry and participate with the term financing institutions in assisting industry.

Before proceeding to explain the important features of the Bill as re-

ported by the Joint Committe of Parliament, I shall explain briefly the more important of the improvements made to the Bill by the Committee.

The preamble to the Act has been amended by the Joint Committee to specify clearly that the Development Bank and the other institutions function and grant credit to industry in accordance with national priorities.

Representation has been given for the first time to the employees of the Development Bank and the financial institutions on the Board of the Development Bank—one to represent the officer employees and the other to represent the workmen employees.

By two separate but similar amendments to the LIC Act and the UTI Act respectively, legal protection has been given to the public directors nominated by the two institutions on the Boards of their assisted concerns, from prosecution and penalties, for any act of omission or commission made by the management of those concerns, in violation of any law. These amendments are similar to the amendments already approved by Parliament to the IDBI, IFC and SFCs Acts in December, 1972, extending similar protection to public directors nominated by those institutions on the Boards of their assisted concerns.

With these improvements made by the Joint Committee, I now proceed to explain some of the other more important features of the Bill.

The most important amendment to the IDBI Act provides for the transfer to the Central Government of the entire 100 per cent capital held by the Reserve Bank in the Development Bank. The Central Government will pay to the Reserve Bank an amount of Rs. 50 crores in cash representing the face value of the capital.

The Development Bank will have a separate Board of Directors, fully professionalised, in which except two members who are Government officers and two members representing the employees of the Development Bank and the financial institutions, the rest will be persons having professional knowledge and experience.

The definition of 'industrial concern' is sought to be widened to ensure that the Development Bank assists either directly or indirectly its many-sided industrial activities including encouraging new entrepreneurs. The industrial concerns can be in any form of constituation, i.e., an individual, firm, company—private or public etc., and may belong to any sector, *viz.*, the private sector, joint sector, cooperative sector or the public sector.

It is proposed to empower the Central Government to issue directives on matters of policy to the Development Bank.

The amendments to the State Financial Corporations Act envisage that the share capital held by the Reserve Bank in the different State Financial Corporations, which are 18 in number, will be transferred to the Development Bank, for which the Development Bank will pay to the Reserve Bank in cash a sum of Rs. 2 42 crores equivalent to the aggregate face value of the share capital of all the financial corporations. Consequently, the number of nominees of the Development Bank on the Boards of every State Financial Corporation is being strengthened. It is also proposed to have a representative of small scale industry on the Board of every State Financial Corporation.

The amendments to the Unit Trust of India Act envisage that the contribution to the initial capital of the Unit Trust of India made by the Reserve Bank will be transferred at its face value to the Development Bank for which a sum of Rs. 2.50 crores will be paid by the Development Bank to the Reserve Bank.

With the transfer to the Development Bank of the initial capital of the Unit Trust of India, the power of appoint-

[Shri C. Subramaniam]

ment of Chairman, executive trustees and nomination of four trustees on the Board of Trustees will be transferred to the Development Bank. The association of the Reserve Bank with the Unit Trust, however, is proposed to be maintained by having a nominee of the Reserve Bank on the Board of Trustees.

The amendments to the Life Insurance Corporation Act envisage that the Development Bank will have a nominee on the Board of the Life Insurance Corporation and its Investment Committees.

I wish to inform the House that while this legislation was being processed, some representations were received from the staff of the Reserve Bank of India, expressing some fears about their future career prospects arising out of the transfer of the Development Bank and the other institutions, from the Reserve Bank family of institutions. The representatives of employees also gave evidenve before the Joint Committee through their Unions. The House will observe that exhaustive provisions have been made in clauses 16 and 56 of the Bill, as reported by the Committee. These had been framed in full consultation with the Reserve Bank of India. These clauses provide for the exercise of option within a period of 18 months from the dates of transfers of respective capital, by each member of the staff to choose the institution which he would like permanently to adopt for his future career including his reversion to the Reserve Bank of India. His promotional prospects are also fully safeguarded during this transitional period as if he belonged to the same common cadre with the Reserve Bank of India, as hithertofore. I hope that these exhaustive provisions will go a long way in protecting the legitimate interests of the staff all round.

There are two notes of dissent—one jointly by Shri Dinen Bhattacharya and Shri Mathew Kurian and the other also jointly by Shri Indrajit Gupta and SHRI Bhupesh Gupta.

In the first note of dissent a number of points have been raised. I shall try to deal with them one by one. It has been aruged that by the proposed transfer of capital of the IDBI from Reserve Bank to Government, the coordination between "long term credit" and "short term credit" to industry will be jeoparised. I may remove this misapprehension. It is only with a view to ensure that there is closer coordination in arranging both the long term credit and the short term credit for any industrial project, representation has been given both to the long term financial institutions and to the public sector banks on the Board of the Development Bank.

To ensure a fuller coordination, the Development Bank, as the principal financial institution, will be represented in turn on the Boards of all the member institutions. It will have representation on the Boards of the LIC as well as on the Unit Trust of India, which are investment institutions and which play an important role in the raising of capital by industry.

It has been stated that "in a developing economy the Central Bank should perform not only the traditional role of banker to the bankers but also perform the developmental and promotional role in the field of long-term lending" and that this principle is being negated by the present Bill. I wish to assure the Members that the concern of the Reserve Bank as the Central Bank of the country, in the long-term lending, cannot and will not cease in the new arrangement.

A further point has been raised that even after the present Bill is passed, Agricultural Finance will continue to remain with the Reserve Bank and this will imply an asymmetry. Agriculture and cooperation are State subjects and the Reserve Bank has a special role to play in coordinating the requirements

of agricultural finance with the different State Governments and the Central Ministries. I have already stated, in another context, that even after the restructuring of the IDBI, the association of the Reserve Bank will continue to be as close as before and there is no intention as such to delink the Reserve Bank of India from the field of industrial finance. Further, the requirements of agricultural finance are seasonal and short term. They are, to some extent, provided out of created money. Thus, there appears to be no incongruity in the Reserve Bank looking after the developmental function in the field of agricultural finance after the coming into existence of the IDBI.

The very basis of the Bill has also been questioned, *i.e.*, whether this restructuring of the capital of the institutions is at all needed. It is our view that a developmental agency should be organisationally independent and its Board professionalised. Having nurtured the IDBI since its infancy, for a decade, the Reserve Bank has placed it in a position of importance. The Government have, therefore, taken the view that the time has arrived to elevate the status of the Development Bank to that of the principal financial institution. Just as the Reserve Bank is the Central Bank of the country, the LIC is the principal investment institution, the Development Bank should achieve the status of the principal financial institution, all the three being directly owned by the Government. The Bill seeks to achieve this purpose.

Further, the Board of the principal financial institution should reflect the various impulses of the different States of India, particularly those which are industrially backward. As I have already explained, you will see from clause 6 of the Bill that in a Board of 23 members, excepting two who are Government officials, and two employees of the financial institutions, the rest are professionals, in the sense they represent all-India and State level financial institutions, banks and various fields like science, technology, industry, economics, industrial cooperatives, marketing etc.

The Reserve Bank as the Central Bank of the country will be represented at the level of a Deputy Governor on the Board and on the Executive Committee of the Development Bank. The Reserve Bank is, therefore, in a position to continue to make its positive contribution to the operations of the Development Bank and through it, of all the other financial institutions.

It has also been argued that after the restructuring of the IDBI, neither the volume of credit to industry will increase nor will the cost of credit decrease and thus there is no economic rationals for the Bill. I have already indicated elsewhere that it is our view that the developmental agency should be organisationally independent and its Board professionalised. In any event, the mobilisation of resources and their channelling will be done in close coordination with the Reserve Bank. Having elevated the status of the IDBI and made it statutorily responsible for the coordination, it is our view that within the available resources, the IDBI and the other financial institutions will work with greater cohesion and, to that extent, there will be better deployment of resources all round.

A point has also been raised that with the transfer of the shareholding of the IDBI from the Reserve Bank to the Government, large industrial groups would have easier access to institutional finance than before. In the second note of dissent by Shri Indrajit Gupta and Shri Bhupesh Gupta also, a similar point has been made that the credit policies to be followed by the institutions have not been defined. The policy of financing industry including small scale industry, cooperatives, etc. and the large industrial groups, is determined by Government. For implementing the policy of Government, it is perhaps not very material whether the IDBI is directly owned by Government or owned through the Reserve

[Shri C. Subramaniam]

Bank. In any event, by sub-clause (b) of clause 6 of the Bill, it is proposed to assume power for the Central Government to issue directives on matters of policy to the Development Bank. Parliament has, therefore, the opportunity to oversee the policy being followed by the Development Bank and the other institutions in financing industry in general and the larger industrial groups in particular.

Further, the Joint Committee itself has amended the Preamble to provide specifically that the IDBI and the other institutions shall function and grant credit to industry in accordance with national priorities.

Shri Bhupesh Gupta and Shri Indrajit Gupta have in their minute of dissent referred to the position that the employee's representatives will not be elected on the Board but will be selected in a manner prescribed by Government. They have referred to the practice prevailing in regard to the appointment of Directors on the Boards of the nationalised banks. I may inform the House that in the case of the nationalised banks, the scheme framed under the Banking Nationalisation Act does not provide, as such, for a direct election by workmen of their representatives on the Boards of the bank and a representative is chosen out of a panel of three names suggested by the Federation, which on verification by the Central Labour Commissioner, has the largest number of workmen as members. A more or less similar procedure will be drawn up in this case also for selection of the employees' representatives.

I now take this opportunity of paying a tribute to the services rendered by the Reserve Bank of India in nurturing the IDBI from its infancy and having brought it up to its present status so that it could take up the leadership of the other financial institutions independently. As I have already stated earlier, the IDBI will continue to be as much a concern of the Reserve Bank as of the Government, in the new set up as well.

I have every hope that the Development Bank as the principal financial institution in the field of industrial finance with its enlarged role should be able to play an effective part in the balanced industrial development of the country in accordance with national priority and aspirations. I look forward to a very useful debate, may be a restricted debate.

With these remarks, I commend the Bill to the House for consideration.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Industrial Development Bank of India Act, 1964, the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948 the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956, and the Unit Trust of India Act, 1963, as reported by the Joint Committee, be taken into consideration."

Shri Indrajit Gupta

श्री इसहाक सम्भली (अमरोहा) : स्पीकर साहब, कब्ल इसके कि श्री इन्द्र जीत गुप्त बोले मैं एक बात कहना चाहता हूँ । आज इत्तफाक से हम को ऐसा नजर आ रहा है कि शायद यह मौका है कि आप की रहनुमाई से काम बड़ी आसानी से पूरा हो सकता है । तो क्यों न मेहरबानी करके आज लंच का मौका दे दिया जाय । कुछ अजीब सा लगता है जब हम लंच को जाते हैं तो हाऊस खाली खाली सा होता है ।

अध्यक्ष महोदय : यह तो आप छोड़िये । दिन के लिये थोड़ा सा कष्ट और कर लीजिये ।

श्री रामावतार शास्त्री: (पटना) : हो सकता है कि 2 घंटे में ही खत्म हो जाय क्यो कि वक्तेयक बहुत कम हैं ।

अध्यक्ष महोदय : लंच नहीं होगा आप जाइये खाना खाइयें, कौन रोकता है। जिन्होंने नहीं खाना है वह चला रहे हैं। हाउस का पास किया हुआ रिजोल्यूशन है इसलिये में उस को बदल नहीं सकता।

SHRI INDRAJIT GUPTA (Alipore): Mr. Speaker, Sir, I have only a few remarks to make regarding this Bill because we had a very prolonged and fruitful discussion in the Joint Committee to which the hon. Minister has referred. Certain amendments to the original draft Bill have been incorporated which are definitely an improvement.

Nevertheless, the main point which I wish to make for the record is that even after hearing the hon. Minister just now. I am not really able to appreciate what substantial difference in the position is going to be brought about by the main provisions of this Bill It is a question of re-structuring the financial institutions. That is true in respect mainly of two things. One is, transferring IDBI from the Reserve Bank family to a somewhat independent position directly under the Banking Department of the Ministry of Finance and, secondly, the capital of this Bank will all be held henceforth by the Central Government, the existing subscribed capital and any capital which is further subscribed in future by the Central Government. All this will be held by the Central Government.

The point that we have been trying to make out is whether this structural change was at all so necessary as to be warranted by the development which has taken place over the years. The hon. Minister has not said that the IDBI, as a part of the Reserve Bank family, has not been able to discharge its functions or has had any difficulty in discharging its functions so long. If that case had been made out, I could have understood that it is in order to make the IDBI more efficient, more effective and to remove certain obstacles or handicaps or difficulties in the way of its functioning that we have to bring about re-structuring. But that argument has not been given by the Government at any stage. Therefore, I am not surprised that some people have brought forward an argument or advanced a suspicion, if you like to call it, that for those parties which are likely to be the main beneficiaries from the IDBI or other credit institutions it will be easier for them to get loans through the IDBI which is not subervient to the Reserve Bank but which is directly under the Ministry of Finance.

13 00 hrs.

That suspicion has been expressed, for example, in this note of dissent which my friend Mathew Kurien has appended to the Report, I do not know whether this is a fact. This was discussed in the Committee but I, at least, was not able to get much light on that. What is the basic difference which is going to be brought about? Previously, there was a common Board of Directors between the Reserve Bank and the IDBI and now the IDBI will have its own separate Board of Directors. The only improvement I find, from my point of view, is that a provision has been made to include two employees of the Bank itself in the Board. We had quite a discussion on that also. I personally do not feel that the presence of employees on the Board of such an institution is meant for the purpose of agitating their particular demands as employees: that is not the idea at all. All this discussion was of course going on even before the emergency was declared, and after the emergency was promulgated and the Prime Minister came forward with a 21 point economic programme we find that this is universally sought to be applied—i.e., workers' or employees' participation in management being given some meaningful shape now, in the days of emergency. It was precisely from that point of view that we have been asking for employees' representatives being put on the Board—not that they are going to sit there and bargain with other Direc-

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tors for bonus or dearness allowance; that is not the idea at all. Those are Trade Union jobs which, if necessary, can be represented or agitated through the Trade Unions. But the presence of the workers on the Board is because we feel—and I am sure the Government also now feels—that it is very necessary in the national interest that workers' and employees' level of thinking and consciousness should not be confined within the framework of what we call 'economism'—that is, their being concerned only with the day to day demands as workers and nothing else. I think that, as a Trade Unionist, I may myself admit that this has been one of the basic weaknesses and drawbacks of the Trade Union movement in the country also. As such, we have to raise the level of employees and workers above their own demands. Even if they are legitimate and justified, it is not enough and, particularly in organisations and institutions within the public sector, it is absolutely essential that organised workers and employees must also feel that they have got a state in this public sector—something which is built up by public funds and which is not the property or outcome of the efforts of some individual capitalist or big-monied persons. Therefore, they also must contribute ideas, suggestions, constructive criticisms and so on for the better functioning of that particular institution It is only if the entire Trade Union movement also takes up that kind of attitude that the workers themselves will be able to play a much more important and leading and positive role in the whole economic development of the country.

I am very glad that, ultimately, this thing which was not included in the original draft Bill, was accepted in a certain form in this Bill and I am very glad that Mr. Subramaniam has also just now assured the House that the procedure of selection or nomination will be more or less something similar to that which is being done in the case of commercial banks which were nationalised. I am satisfied with that. I didn't mean by 'election' that they should be directly elected and put on the Board. I don't want to go into the details of the procedure, but the one which is followed in the other banks should be followed here too.

The other important point which he also referred to just now is the incorporation of this clause in Chapter II, Section 2, where it refers to the Industrial Development Bank of India as the principal financial institution for co-ordinating—then these words were introduced—or "in conformity with national priorities," the working of institutions engaged in financing, promoting or developing industry. This is a very small inclusion, but to us it is quite an important matter, because national priorities are defined from time to time by the Government and they will continue to be done. Sometimes those national priorities or policy statements are brought before the Parliament for Parliament's consideration and approval. I hope that it will always be done. But the reason for pressing for inclusion of this was this We do feel that at least some of the national priorities to which this country is committed and to which Parliament is committed and which are also found in the words of our Constitution are not being properly reflected in the pattern of giving credit, pro[illegible]-ing credit, by these institutions. Mr Subramaniam always reminds us, he is very careful to remind us—he chides us, I should say—that we want to do away with the private sector altogether. I do not know where he got that from. We have never said that. He says that the private sector has to remain for some time and has to play a part along with the public sector, and if it has to remain and play a part, then we must also try to help it. I have no quarrel with that at all. We have never said that, with a magic wand, you do away with the whole private sector.

In any case, this Government could not do it even if it wants. It does not

want to do, but even if it wants, it could not do it, composed as it is at present. In any case, we are not at that stage and never our Party has advocated that here and now, at today's level of economic development in this country, you can do away completely with the private sector. Nobody ever said it. But what we did say and what we continue to say and what, we think, is in conformity with the national priorities is, firstly, that this is an oft-repeated phrase or maybe, a hackneyed phrase now—the commanding heights of the economy should be held by the public sector; in that direction, some progress has been definitely made over the years; I am very glad about it; and, secondly, that, as far as the private sector goes, we should take steps to see that undesirable and undue concentration of wealth, excessive concentration of wealth, in a few hands and the growth of monopolistic trends and monopolistic forces is prevented. That does not mean that the private sector is to be abolished. It means that the private sector should function within certain limitations and certain constraints. And it is from that point of view that we have sought to show in our note of dissent also that the financing of industry, particularly by these credit institutions of the Government, has so far shown a definite and overwhelming bias in favour of what are called big business houses or monopoly houses, that provision of public funds in a very large measure has assisted these large business houses to increase their assets very greatly and that, in my opinion, it definitely not going towards reducing, but further consolidating, the concentration of wealth in a few hands.

In reply to a question earlier this year in this House a statement was given by the Government showing the value of assets of the 30 largest Houses in this country, how those assets have been developing from 1971 to 1972 and to 1973. The list of those 30 largest Houses shows that the assets of these undertakings have been going up steadily all the time. I cannot read out all the figures now. It is not necessary, But it is very clear that there is not a single case in which a definite increase has not been registered.

Then, we find that these five public financial institutions, other than the banks, have sanctioned loans over Rs. one crore each to 253 private companies. The total of such loans, that is loans of over one crore each, amounted on 31st December last to 837.42 crores. Out of these 253 companies, which are the beneficiaries, 80 received loans of over 3 crores of rupees each. And you will find, most of these beneficiaries are undertakings which are under the control, direct or indirect, of one or the other monopoly houses like Tatas, Birlas, Mafatlal, Thapars, Scindia, Singhania, Sarabhai, Bangurs, Kirloskars, Mahindra and Mahindra, Kamanis, Modis, Sriram, Walchand, Lalbhai Bajaj, Khataus etc. These are the people who are getting the biggest chunk of the credit out of these financial institutions. This is the trend I am talking in terms of trend. This trend is not in conformity with national priorities.

Of course, the witnesses who appeared before us, representing these financial institutions, did plead—and I sympathise with them—a certain amount of helplessness. They say: We do not after all select the companies or the undertakings to whom we have to give loans; we have to give loans to those companies which are given licences by the Government. The Government licences a particular company, that is done by a different mechanism, a different department, a different Ministry and then that company which has obtained the licence comes to us for assistance and we are bound to give them assistance. What can we do? If you want to curb the further growth, expansion and consolidation of these monopolistic trends it, is at the stage of licensing that the control should be applied.

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if you do not control it there, later on we cannot do getting about it; they come to us for loan and we have to give them.

That is why, we have been making this point. This Bill within its limits really does not answer the basic questions and meet the basic problems. It is only, I would not call it minor, rather a secondary kind of provision in this Bill concerned with organizational restructuring of the financial institutions, whether it should be under the Reserve Bank or the Ministry of Finance, Department of Banking, whether its capital should be held by the Reserve Bank or whether it should be held by the Central Government, whether they should have a common Board of Directors or a separate Board of Directors. These are not fundamental things. In fact, I was wondering, why this Bill should have gone to a Select Committee. I did not follow that, because there is nothing except some organizational restructuring for purposes of convenience, as far as I am able to make out.

I have mentioned about the trend and the trend is like that. Also in the matter of giving equity support for the purchase of company shares, you will find that these financial institutions hold more than 25 per cent of the paid-up capital in each of the 129 companies representing a total investment of 76.83 crores as on 31st December. And what is the sort of these companies? Even in the case of a giant company like Tata Iron and Steel Company, 39 per cent of its equity shares have been purchased by the public financial institutions, but I do not know, to what extent, this holding of equity shares in these big concerns actually has made for a better or direct control. Although, there may be some Directors nominated by these institutions on these Boards, to what extent they exercise any effective supervision or control is a doubtful matter altogether. So, our contention is that this huge octopus of big business is being fed by public funds by Government's various institutions and agencies and that is contributing or fueling the continued expansion, development and consolidation of these monopoly houses; and that we do not think is in conformity with the national priorities at all. Not that they should be given no assistance. Then, it must be under very different terms and conditions, but that matter is not dealt with in the Bill at all. So, really it is quite infructuous from that point of view.

The other point is that correspondingly we feel that some other sectors, other than the big business sector, have been neglected and so many complaints came to our committee also, from the co-operative sector, the small-scale sector and so on. They are not getting their adequate share, their proportionate share, more than their proportionate share, I would say, because they are the weakers forces, they are the sort of an under-dog, as it were, who require more help and more assistance from these financial institutions so that they may grow If you want the growth of private sector, at the present at go in India, we should have all forms of giving encouragement to small scale and medium scale industries to come up rather than these big, huge monopolies being permitted to expand still further. Of course, there are all sorts of economic arguments about the economies of scale and I know. But what is the point in a country like ours which is still developing and where there are so many different categories and levels of entrepreneurship in this country, that there the scale should be weighted overwhelmingly in favour of big business houses? The small man, the middle entrepreneur, the small entrepreneur must be encouraged. Otherwise, there cannot be a more accelerated rate of development and a better impact on the unemployment position and so on. It is something which is,

I should say, a sort of a counterpart of Mr. Subramaniam's own idea of having small farms as the basis of our agricultural economy if it is to develop. That is the idea which he is very strongly favouring and supporting all the time, that you cannot have big farms, you must have small farms and it is on the basis of the proliferation of small peasant farmers that our agricultural economy can develop. Of course, I agree with him only so far, as I feel that is the first step and these small farmers in due course, will have to get into some sort of co-operatives of different types so that they can really develop much faster. However, in the field of industry here, the accent is the other way round. Here, the accent is on the big man, the big industrial house, the monopoly house and not on encouraging the small entrepreneur or the middle entrepreneur to get into the co-operative sector to develop. That way we feel the national priority should be better reflected in the credit policies, the overall credit policies which the Government is going to lay down in future at least for these public financial institutions to follow.

Finally, nothing can be done about this now, of course, it is too late. I have not tabled an amendment also. That is what I am afraid of. There is a default on my part. This definition which is given in section 3 of 'industrial concern' which will be eligible for assistance is quite an exhaustive list, but there is an anomaly in the position which I tried to point out the other day too. For example, the Government itself sets up important public sector corporations which are vital to the functioning and the development of a particular industry. For example, the Cotton Corporation of India. For example, the Jute Corporation of India. These are public sector corporations which have been brought into existence with the express purpose of seeing that the raw material market, the raw material availability and supply to the industry concerned, namely, the cotton textile industry in the one case and the jute textile industry in the other case, is put in a better organized shape and everybody concerned there gets a better deal including the cultivator and the industry is assured of a regular and stable supply at stable prices. Yet, we find that as far as the Jute Corporation is concerned, I know very well and it is a matter of public knowledge, that every year, they are complaining bitterly that they are not being given enough financial support by the Government in order to carry out their purchasing operations. And that is a fact. The Jute Corporation has not been in existence very long but during the period it has been working, it has not been able to make a really important dent in the market. That is to say, the result is that the bulk of the crop is still outside its scope of purchase.....

SHRI C. SUBRAMANIAM: Anyhow, it would not come under this IDBI.

SHRI INDRAJIT GUPTA: I am suggesting to the Minister that he should give some thought to this matter either to set up some separate institution or do something or to bring in that kind of a corporation which is closely allied to the manufacturing industry and without whose proper functioning the manufacturing industry itself cannot operate in a healthy way. They should also have some source from which they should be able to get adequate support. For example the jute industry does not function properly because this industry is in a perpetual crisis over its raw material. In some years there is a glut, in some years there is a shortage. The price is too low and the cultivators are ruined. It is going on from year to year. So, something should be done about it.

The name of the Bank is Industrial Development Bank of India. It is a comprehensive name. Certainly industries cannot develop unless they have a raw material base and also

[Shri Indrajit Gupta]

proper regulated supply. In future it should be looked into.

Therefore, we feel there is nothing very much controversial in this Bill at all. We do not think that perhaps it will make very much material difference to the existing situation unless and until the Government also has a second look at its overall credit policies in the light of national priorities and lays down some new guidelines or refreshes its ideas and comes forward with some newly defined, in the present circumstancves, guidelines and policies which will provide for an all round development of the industries and not funnel the bulk of the public funds to the monopoly and big business centres.

SHRI Y. S. MAHAJAN (Buldana): Mr. Speaker, I rise to support the Bill. The Industrial Development Bank of India was set up in 1964 as a wholly owned subsidiary of the Reserve Bank of India. From its very inception it was meant to function as an apex bank i.e. as "the principal financial institution for financing industry and for co-ordinating the working of institutions engaged in financing, promoting or developing industry."

Over the years a number of development banks or agencies have come up such institutions whose financial activities had to be co-ordinated by the IDBI include the Industrial Finance Corporation of India, the Industrial Re-construction Corporation of India, the LIC, the Unit Trust of India, the S.F.Cs. and ICICI.

During the last ten years of its life the IDBI has done a great deal of promotional and developmental work. The total assistance sanctioned by the IDBI amounted to Rs. 983 crores and the utilisation thereof was of the order of Rs. 727 crores. This includes project assistance in the form of loans and underwriting, refinance of industrial loans, re-discounting of bills and subscriptions to shares and bonds, as well as assistance for exports and by way of guarantees.

The IDBI has made a notable contribution towards the development of specified backward districts. Out of the total project assistance provided to industrial units, the share of assistance to units in these districts increased from 15.6 per cent during the first five years to 30.3 per cent during the second five years period.

The IDBI has taken care of small scale industry and small local transport operations also through refinance assistance.

It is not possible to make an accurate estimate of the impact of its developmental activities on the economy. But it has been roughly estimated that, in terms of employment, over half a million jobs have been created by units assisted by the IDBI through its schemes of direct and indirect finance.

The Public Financial Institutions Laws (Amendment) Bill seeks to emphasis the role of the IDBI as the principal financial institution for financing industry and for coordinating the work of other financial institutions.

To enable the bank to perform these functions more effectively than before, it proposes, first, to transfer the entire capital of the Development Bank held by the RBI to the Central Government and secondly, to constitute a separate Board of Directors for the IDBI on which the financial institutions and the public sector banks will be represented.

In view of the dominant position which is conferred on the IDBI it is provided that it should take over the capital held by the RBI in the different State Financial Corporations and the Unit Trust of India. This provision does not cover the ICICI as it is an institution in the private sector. The Bill proposes that the IDB should be represented on the Boards of other financial institutions. There are other consequential changes proposed by the Bill in the Reserve Bank of India Act, the Industrial Finance Corporation Act, the SFC Act, the LIC Act and the Unit Trust of India Act.

This Bill had aroused a lot of controversy and so it was sent to a Joint Select Committee. The storm raised by this Bill it appears was responsible for the protracted sittings of the Committee and the delay in submitting its report to the House.

The main focus of the Bill is on delinking the IDB from the RBI and constituting a separate Board of Directors.

Those who oppose the Bill forget that even in 1969, the Dutt Committee had recommended that 'The role of the IDBI as an apex institution should be emphasised and better organised.' For achieving this purpose, its reorganisation as a separate entity from the RBI is necessary.

This should enable the IDBI to organise its work more effectively since the Board constituted for it will not have to bother about general problems of monetary policy, regulation of credit, control of foreign exchange and providing guidance or keeping supervision over commercial banking which are the special duties and responsibilities of the RBI The RBI will, on its part, be able to pay greater attention to its own functions which are of paramount importance.

Sir, in no other country in the world, except Canada, do you find a Central Bank saddled with the vast and complicated problems of development finance. Development institutions thrive best under public criticism and debate, but this is not possible if the Central Bank itself performs the functions of Development Bank through its auxiliary. But if the Central Bank does become the object of criticism this detracts from its great prestige as the supreme body in all financial matters. Secondly, when the Central Bank undertakes developmental and promotional work the important functions it is supposed to perform, that of supervision, inspection and objective guidance suffer grievously.

Some believe that once the IDB is separated from the RBI, the IDB will not be able to take advantage of the fund of professional, managerial and financial experties built up by or at the disposal of the RBI. There is no reason why such people could not be persuaded to work in the new organisation.

The Licensing Inquiry Committee, *i.e.* the Dutt Committee, had inquired into the working of these term-lending institutions five or six years ago. It had recommended a reorganisation of these institutions to make possible a vigorous persuit of the concept of the joint sector.

13.30 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

And though the idea of the joint sector concept was accepted in principle by the Government, I believe, vigorous efforts were not made to pursue that concept. The I.D.B.I., in the new shape, will be an effective instrument for developing the joint sector and mitigating the concentration of economic power in the hands of large industrial houses—the point made out by Shri Indrajit Gupta.

Another objection has been raised against this Bill namely that it will create a dichotomy between short-term loan, or short-term credit and longterm

[Shri Y. S. Mahajan].

credit. I think this dichotomy is necessary in the interest of the proper functioning of the institutions concerned with shorterm as well as long-term credits. Great Britain is the home of modern banking and though the British people are conservative in nature, their banking structure is surely progressive. But even now the commercial banks in England are specialised in the short-term credit. There, the development work is not done by the Bank of England. It is only in Germany where the commercial banks have been doing developmental work for over forty or fifty years. In no other country in the world do we find that the Central Bank of a country is loaded with the complicated problems of developmental finance.

Then, Sir, I have something to say about the Board as constituted for the institution under the amended Act. That would consist of 22 or 23 persons and there would be an executive committee of 11 persons, I believe there would be only one or two persons who would be working fulltime—the Chairman and the Managing Director. Perhaps one person may perform the same functions. In the interest of efficiency, I believe that there should be a larger functional element in the Board. If there are three or four directors who are fulltime, I am sure, the working of the bank is bound to improve. With the amendments proposed in the IDBI Act, I am sure, the Development Bank will be able to do its job much better and more effectively in the development of the country.

With these remarks, I support the Bill

SHRI AMARNATH VIDYALANKAR (Chandigarh): Mr. Deputy-Speaker, Sir, it has been clearly said that this is not a controversial bill. I only want to make one or two suggestions. The Bill seeks to restructure or, rather, it seeks separation of the cadre. In our country, the old concept was to go in for separate cadres. I think there should be a proper national cadre and the employees should be interchangeable from various financial institutions that are set up by Government. And they should follow the same policy in a broad way. It has been stated here that various institutions do not conform to the national policies laid down by Government with regard to the financial matters. For example, it has been stated that in the matter of loans, various small-scale and medium scale industries are sometimes ignored and only big businessmen are getting a bigger loan. It has been stated in the Bill itself that certain national priorities will have to be fixed by Government which will be pursued. But, it so happens that in different institutions, different persons function with different concepts. We have to develop one common national concept for giving finances. Basically I think there should be a pool of national cadre and the persons in that cadre should be properly trained and they should understand that they will have to follow a certain policy with regard to financial matters.

I am strongly of the view that instead of separating these cadres as has been brought out in the Bill, we should think on the lines of forming a national cadre As regards the other provisions in the Bill, as already stated by my hon. friend, Shri Indrajit Gupta, I subscribe to what he said. I think the time has now come when we should take effective steps by which the workers—the employees—will be able to participate in the management.

The financial matters are more important matters where the participation of the employees and the employers is important. In this connection I feel the various beneficiaries, that is, those who are benefited by these loans, namely, small scale industries and the medium scale industries should have some representation. I suggest

in the matter of working when the various loans are given to the industry it is important that instead of deciding the matters unilaterally the representatives of those institutions should be invited so that they are able to participate in the discussions and explain their point of view and the difficulties so that those who take loans should not feel as if they are being ordered about from above but they are participants. This is very necessary. The spirit should be that all those who are benefitted should participate in the deliberations and be given full opportunity whether they are workers or beneficiaries or policy makers. They should all sit together and participate in the discussion.

श्री मूल चन्द डागा (पाली) : उपाध्यक्ष महोदय, बहुत सी बातें तो वित्तमंत्री ने कह दी हैं। मैं उन से काफी बातों में इत्तफाक करता हूं। लेकिन मैं यह समझता हूं कि जो आप का मेन आबजेक्ट है कि इंडस्ट्री को लोन समय से मिल जाना चाहिए, उस की पूर्ति में यह बिल अधिक सहायक नहीं होता। इस के अन्दर 20 डाइरेक्टर्स हैं और इतना बड़ा बोर्ड है, इस की बैठकें कितनी होगी और कैसे होगी इसको आप रूल्स के अन्दर प्रेस्क्राइब करेंगे या इस के लिए रूल्स बनाएगे, मैं समझता हू कि इन में कुछ लिमिट होनी चाहिए। मैं ने राजस्थान में देखा है ये जो इंस्टीयूशंस है जो लोन्स देते है मेरे ख्याल में एक दरख्वास्त देने के बाद सात सात महीने और दो दो ढाई ढाई साल तक वह पेंडिंग पड़ी रहती है। उस का डिस्पोजल करने का तरीका क्या हैं। कई बार ऐसा होता है कि इन एप्लीकेशंस का डिस्पोजल बडी मुश्किल से होता है। किस प्रकार के तरीके उस के लिए अख्त्यार किए जाते हैं वह तरीके आप पसंद नहीं करेंगे। इस के अदर भी बड़ी बड़ी सिफारिशें चलती हैं। तो यह जो तरीका है यह क्या है? यह ठीक है कि इंडस्ट्रियल डेवलपमेंट बैंक होने से देश के अन्दर जल्दी लोगों को लोन मिलेगा और प्रायरिटी उसको दी जायेगी जो इंडस्ट्री आगे बढ़ने वाली है। लेकिन इतना बड़ा बोर्ड जिसमें कितने तो मेम्बर्स को आप रख रहे हैं, इतने बड़े बोर्ड की बैठकें कैसे होंगी और फिर उसमें कितना खर्चा होता है? क्या इससे छोटा बोर्ड नहीं हो सकता है?

इसमें आप ने कहा है एक चेयरमैन और एक मैनेजिंग डायरेक्टर-यानी आप दोनों को रखना चाहते हैं, एक ही क्यों नहीं रखते या तो एक चेयरमेन रखें या एक मनेजिंग डायरेक्टर रखें इसमें जैसा आपने कहा है:

"Provided that the same person may be appointed to function both as Chairman and as Managing Director;

आप एग्जीयूटिव में एक चेयरमैन और एक मैनेजिंग डायरेक्टर रखते हैं। मेरा यह कहना है कि एक्जीक्यूटिव कमेटी भी छोटी होनी चाहिए। इतनी बड़ी नहीं होनी चाहिए कि एक चेयरमैन रहे और एक मैनेजिंग डायरेक्टर रहे।

क्लाज (9) में आपने कहा है:

"That Board shall constitute an Executive Committee consisting of:—

इसमें एक बात यह है :

"not less than five directors shall be persons who have special knowledge....

फिर स्पेशल नालेज की क्या बात है इसका क्या मतलब होगा जो इंडस्ट्रियलिस्टस हैं बिग मानोपली हाउसेज के वह इसमें ज्यादा आते हैं। मेरा कहना है कि इसमें वह आदमी नहीं आने चाहिए जो बड़ बड़े इंडस्ट्रियल हाउसेज को बिलांग करते हैं। इसमें एम० पीज० के लिए भी कोई स्थान होगा या नहीं जो एम० पीज० और एम० एल० एज० हैं उनको भी आप जगह देंगें या नहीं इसमें। स्पेशल नालेज की क्या क्वालिफिकेशन होगी मैं आपसे कहना चाहता हूं वही लोग स्पेशल नालेज नहीं रखते हैं जिन्होंने डिग्री प्राप्त कर ली है, जो एकोनामिस्ट हैं या चार्टर्ड एकाउन्टेन्टस हैं जो एवरी-डे इस काम को करते हैं स्पेशल नालेज

[श्री मूल चन्द डागा]

वह भी रखते हैं। जो छोटे व्यापारी हैं उनका भी रिप्रेजेन्टेशन होना चाहिए। इस तरह का बोर्ड बनाना चाहिए जिसमें एम० पीज० और एम० एल० एज० को भी रखा जा सके। स्पेशल नालेज के नाम पर बड़े बड़े मोनोपली हाउसेज के जो इंडस्ट्रिलिस्ट्स हैं उन्हीं को इसमें नहीं आना चाहिए बल्कि इसमें नान-आफिशियल्स भी लेने चाहिए ताकि बोर्ड में उनकी बायस भी आ सके।

दूसरे मुझे यह कहना है कि आप रूल मेकिंग पावर जो डेलीगेट करते हैं उसका भी एक प्रोसीजर होना चाहिए। जैसे जो एप्लीकेशन्स आती है उनको एक्सचेंडाइट करने के लिये, उनका क्वीक डिस्पोजल करने के लिये बोर्ड की बैठक करनी होगी, उनको स्क्रुटिनाइज करना होगा लेकिन इसका सारा प्रोसीजर ले डाउन न करने की वजह से इंडस्ट्रियलिस्ट्स बार बार फाइनेंशियल इस्टीटयशन्स के चक्कर लगाते है और महीनों तक बड़ी बड़ी सिफारिशें चलती हैं। तो यह जो एटमास्फियर बनता है उसको एवायड करना चाहिए और बोर्ड का डिस्क्रीशन, एप्लीकेशन लेने का तरीका, डिस्पोजल करने का तरीका-यह सारी बातें लेड डाउन होनी चाहिए। यही मेरा आपको सजेश्चन है।

SHRI K. SURYANARAYANA (Eluru): Mr. Deputy-Speaker, Sir, I want to make a few suggestions, particularly in regard to the State Financial Corporations.

The State Financial Corporations are advancing loans, below Rs. one crore, to small scale industries. Sir, the State Financial Corporations in most of the States are managed by big industrialists. I would suggest that big industrialists should not be allowed to be appointed as Chairmen of these financial institutions, lending financial institutions including commercial banks. Commercial banks are also allowed to give some financial assistance by way of short-term and medium-term loans. Sometime back, we introduced social control of banks. I would suggest that commercial banks should also come forward to finance small scale industries because these financial institutions alone cannot finance all the small scale industries.

Now it is said that people with professional experience may be appointed to these four central financial institutions as chairman or managing directors or directors. I suggest that the State Financial Corporations should also be constituted in the same manner. To my knowledge, in Andhra Pradesh a in some other States, there are complaints that they are exchanging directors with banks. Sometimes they are borrowed from the Industrial Finance Corporation. This State of affairs should be rectified. The Government should appoint people with technical knowledge as chairmen of these financial corporations. Care must be taken in giving proper assistance to small scale industries. Sanction of loans by the State Financial Corporations also should be scrutinised in each and every case by the IDBI.

This Bill was brought for ensuring the efficient discharge of the functions of the four financial term-lending institutions. They have the procedure of appointing capable directors with technical knowledge. But they have forgotten the State Financial Corporations, their administration and operation. These are now controlled by the State Governments The chairman and directors are nominated by the respective State Governments without consulting the Central Government institutions. They are developing their own industries in their own way, helping their relatives and so on. The Central Government should step in and rectify this st · of affairs.

My experience is that co-operatives meet with a lot of difficulty in getting loans. We are always talking of agro-industries. This means the development of the sugar industry, the rice industry and the cotton industry. But in spite of the efforts of the farmers and growers to develop them, they are not coming up according to our

expectations. What are the reasons for it ? Licences have been given throughout the country. Thirty or fourty co-operative sugar factories have been set up. They have been given licences. In my State, 8 licences are there. But there is no co-ordination. The Government of India should not think that their duty is over with granting of licences. What about the finance for setting up these units?

In Vizag district in Andhra Pradesh, they have sanctioned one licence for a co-operative sugar factory in 1957. In those days, they had collected nearly Rs. 10 lakhs. After 20 years, they have been able to collect only 30 or 40 lakhs of rupees. In those days, a sugar mill used to cost Rs. 1.5 crores Now a unit with the same capacity would cost Rs. 4.5 crores. But they are not able to set up the unit because the IDBI and the IFC are not coming to their assistance. These institutions are awaiting the decision of the Government about their policy regarding the sugar industry. Now the sugar industry is in a position to earn foreign exchange for the country. It contributes to rural development also. I am not concerned with the rices now. I am only saying that there must be proper co-ordination between the various concerned departments. The industries Department, the Finance Department and the financial institutions should sit together, discuss matters and then only give licences, so that after licence is granted, the financing part of it may be taken care of.

Then there is another thing I have a co-operative unit producing 1250 tonnes a day which has been completed at a cost of Rs. 3 crores. But the Government has set up a factory in my State costing Rs. 4.5 crores. What are the reasons for this difference. This should be inquired into.

I would like to repeat that the sanctioning of loans gets delayed. Even though the farmers and the State Government subscribe their capital, there is no co-ordination between the financial institutions in regard to the loan policy. Of course, now we are expecting some improvement.

I want to bring to the notice of the Finance Minister that now in Andhra Pradesh 8 licences have been sanctioned for co-operative sugar factories. For three factories, they have collected nearly Rs. 2 or 3 crores. There is the Industrial Finance Corporation loan. This has already been sanctioned. Unless the Government gives the excise duty rebates, what is the use of giving the loan? You cannot and you have no capacity. It is 7½ crores. These are the things. We are happy about the industrial development in the country. You have come forward to bring all the major financial institutions together to finance industries.

To include, three or four institutions are giving loans to co-operatives. But, they are collecting legal fees individually. IFC sanctioned to my co-operative society Rs. 1.5 crores. Then they have divided Rs. 50 lakhs from the LIC, First for the legal fees they have collected from our society Rs. 10 lakhs. The IFC has already collected the fee. There is no other property except that given by the Government purchased by the collector for my society. Again, LIC is collecting Rs. 5,000 as legal fees. There is no meaning in this. There is no necessity for any legal advice. The property is entirely owned by the Government and assigned to the society. For the sake of justifying their expenses, to bring down their own costs, they are collecting from innocent farmers, as well as co-operative societies also. I request the Government to regulate these things. Only one institution should collect this. If IFC sanctioned loans, all the institutions among themselves must divide the fees. The General Insurance Corporation should share its fees and expenses with the LIC. If four institutions give loans,, all the institutions should for legal advice or other fees. I request the hon. Finance Minister to consider how best the co-operative

[Shri K. Suryanarayana]

sugar factories or oil mills or cotton factories could be helped in pursuance of our declared policy of helping these industries.

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): Mr. Deputy-Speaker, as already stated there was some controversy with regard to the basic ideas involved in this Bill and that is why it was referred to the Joint Committee. The IDBI serves the purpose of providing long term loan to industries and participates in equities also. In addition to the IDBI there are other institutions like the IFCI, LIC etc. Now the question is whether there should not be a co-ordinated effort by all those institutions. As far as this question is concerned, there is a unanimous view that there should be co-ordination.

It is also agreed that for the purpose of co-ordination the IDBI should provide the leadership. The controversy had been whether the IDBI should continue to be almost an integral part of the Reserve Bank of India. At present the Board of directors of the Reserve Bank are also the board of directors of the IDBI, the Deputy Governor of the Reserve Bank is the Chairman of the IDBI.

In the initial stages, the problems were not complicated, quantitatively also the work was limited and there were advantages in getting attached to a bigger institution. When the problems become more complex and when the number of industrial enterprices to be financed also become larger, it becomes necessary to develop some expertise to deal with them and even at the board of directors level, this expertise should be available. Expertise required for a Central Bank is different from expertise required for a development bank. Till now the same directors had been functioning in both and the development of expertise has not taken place at the board level; whatever expertise was available at the Reserve Bank level was available to the IDBI. Therefore, it was necessary to have a separate board of directors who would be able to provide the expertise as far as this was concerned. I am sure that even those who have opposed this structure would agree that a stage has come to have a separate board of directors.

Now once you reach that stage, the question is whether it should be under the Reserve Bank or it should be outside the Reserve Bank. If it is going to be a separate board of directors, certainly there is no advantage in continuing the same structure as before. That is why we came to the conclusion that it should be autonomous from the Reserve Bank. There could be arguments for and against and we had listened to all the arguments. There was quite volume of evidence let in for both sides and ultimately the Joint Committee came to the conclusion that it was better to delink it from the Reserve Bank and let the IDBI be owned exclusively by the Central Government. If we go on arguing the same thing, we will not reach any conclusion. What is important in all these things is that we take some decision at some stage or the other. This simple matter had taken two years even at the Joint Committee stage because they were not able to make up their mind. Fortunately our minds are now made up and the Joint Committee had given its decision. It is not necessary to reopen it now. Fortunately even though arguments had been advanced there are no amendments reopening the basic structure and therefore, we have only to meet those arguments. That is all.

The bank will have to develop expertise in my view in three areas. Firstly, when an industrial enterprise with a licence approaches the bank for a loan, they should be able to assess the financial viability of the project as it is on that basis that they would be able to advance money. Therefore at the first stage they should have the capacity and expertise to assess an industrial project which needs their financial assistance. Secondly, after the loan is

given it should be ensured that the loan is properly utilised and therefore, monitoring at the stage of construction should be there. It is not done to a sufficient extent now. So, monitoring also becomes important and we should have the organisation and expertise for that purpose. Thirdly, after the enterprise comes into existence we have a big stake in it because the private money put in is only limited; public money forms a major share. Therefore, we are interested in the healthy functioning of that unit and we should see that it is not used for selfish purposes, for diverting resources for various selfish interests. It has got to be seen that the enterprise functions as a healthy industry unit serving not only the interests of shareholders but also the national interest. Therefore, we should participate in the management of that institution and participation cannot just take place by placing a director there, unless that director has got the expertise to see how the enterprise is functioning.

14.00 hrs.

So, in all these three stages this Development Bank will have to participate in the processing, in the putting up and in the functioning of these enterprises And if this expertise has got to be developed, naturally they should have a certain amount of autonomy to develop this expertise and that is why from that point of view also we thought we should separate it and put the responsibility squarely on the management of the IDBI to develop these various aspects and then make an effective contribution to the development of the bank. This is, in short, the argument in favour of delinking it and once we come to the decision then all the functions are only consequential. So, apart from whatever has happened in the Joint Select Committee, here also I have placed before the House why we have taken this decision. It is not an irrational or erratic decision. It is based on certain reasoning and certain rational considerations. I would appeal to the House that there need not be any doubts with regard to the justness or correctness as to the decision we have taken as far as this is concerned.

Then naturally other points were raised by Mr. Indrajit Gupta, particularly with regard to the financing pattern and he accused the IDBI that they had given more to the larger houses and less to others. I do agree with it. If you look into it, naturally in terms of money, quantitatively, the larger houses have got away with a larger share of money. Why? It is because the role of the larger houses is now limited to the core sector that the investments are at a high level. For example, the Fertiliser Project is at the level of Rs. 100 crores or Rs. 150 crores. Then in the case of basic chemicals like soda ash or any other basic chemicals, there also it runs to about Rs. 50 crores or so. Today a cement factory costs about Rs. 12 crores to Rs. 20 crores. A public sector project costs about Rs. 100 crores. Now, therefore, it is these basic industries in the core sector to which they are entitled to get licences, not that they automatically get, they are entitled to get licences, that we try to see whether we could avoid giving to the private sector at all the licences to these capital intensive industries and large scale industries. Unfortunately we found to our cost that in the case of cement we said we would not give any licences to the larger houses but when stagnation came in and there were shortages in the availability of cement and all sorts of malpractices crept in, we had to reverse the decision and say 'yes', larger houses would also be allowed. And there is no option here till we reach a stage where we would be able to take over it and more such things.

Now, as far as we are concerned, we are interested in the industries being put up. Therefore if you look into the type of industries which the larger houses have been taking, naturally with reference to those larger industries large advances have to be made. This would perhaps represent about 10 or 15 medium industries or

[Shri C. Subramaniam]

a 100 or 150 small-scale industries. That is why amount-wise a larger share goes to the larger houses. This cannot be avoided; if you want to completely eliminate the larger houses that is quite a different thing. You cannot blame the IDBI for it. It is a policy decision which has got to be taken and if the Government takes a particular decision that licences could be given to the larger houses also, then the IDBI has to take note of that and then provide the finances. Therefore the criticism should be levelled against me or the Government and not the IDBI as such. And as far as that criticism is concerned, this has been made not only on this occasion but on very many occasions and we are trying to explain why we are forced under the circumstances, we have no other option but to take note of the existence of the larger houses also in the present state of the economy. Where they would grow and in what way we should tame those larger houses, is a matter about which I spoke yesterday also and I do not think I should repeat that now.

Mention was made that we should give greater emphasis to small-scale and medium industries. As a matter of fact, that is our policy. As many as 177 industries are reserved for only small-scale industries. Nobody else can come in. We have also said that up to Rs. 1 crore of investment, they may not get a licence, but larger houses could not take advantage of it. We have put various restrictions. But in spite of that, perhaps the law of economic growth is, larger the house, faster it grows. Therefore, we have to take other measures for it. You cannot curtail economic growth by putting restraints in this. That is why I have been advocating the philosophy of delinking ownership from management but that will have to be dealt with in a different way altogether.

The question was raised about the jute corporation and cotton corporation. They are not manufacturing but trading units. They have to get their working capital from commercial banks. I have no doubt they have been starved for funds to a certain extent, but currently it is under discussion as to what should be the role of these corporations. Once we are sure about their role, I assure the House finance would not stand in the way of their playing that role. There are some differences of views about their role, but I hope within a few weeks it should be possible for us to take firm decisions.

These are the main matters that have been raised. Once the basic point of the functioning of IDBI as an autonomous body apart from the RBI is conceded, the rationale of the Bill cannot be questioned. That is how the Joint Committee has come to these conclusions and I commend the Bill as reported by the Joint Committee to the acceptance of the House.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Industrial Development Bank of India Act, 1964, the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948, the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956 and the Unit Trust of India Act, 1963, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We take up clause by clause consideration. There are no amendments to clauses 2 to 6. The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clause 2 to 6 were added to the Bill

Clause 7 (*Substitution of new section for section 6*).

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, line 12,—

after "directors" *insert*—

"amongst whom eighteen may be" (1).

Page 4, line 13,—

for "of whom" *substitute*—

"and two may be elected by the employees and officers of the Development Bank and the financial institutions as under" (2).

Page 4, line 22,—

for "selected in such manner as may be prescribed" *substitute* "elected by them" (3).

Page 4, lines 35 and 36,—

omit "and any person so appointed shall be eligible for re-appointment" (4).

उपाध्यक्ष महोदय, इस लोक वित्तीय संस्थान विधि (संशोधन) विधेयक में सातवीं धारा में मेरे चार संशोधन हैं। सातवीं धारा की उपधारा 6 (1) (सी) मेरे संशोधन से संबंधित है जो संचालन बोर्ड के बारे में है। तो (सी) में कहा गया है कि :

"not more than 20 Directors nominated by the Central Government of whom—"

इनका ब्यौरा नीचे दिया गया है। मैं अपने संशोधन के जरिये "Directors" के बाद यह शब्द जोड़ना चाहता हूं :

"amongst whom 18 may be nominated by the Central Government"

20 में से मैं चाहता हूं कि 18 व्यक्तियों का मनोनयन सरकार करें। और जो दो बच जाते हैं जिन्हें बैंक के कर्मचारियों और अधिकारियों में से सरकार मनोनीत करना चाहती है, यानि वह 20 को मनोनीत करना चाहती है। लेकिन मैं चाहता हूं कि वह 18 का मनोनयन करे, और जो दो बैंक कर्मचारी और अधिकारियों के प्रतिनिधि हों उन्हें सरकार मनोनीत न करें, बल्कि उनमें से कर्मचारियों के जरिये चुने जायें। सरकार हर बात में चुनाव की बात करती है, और कर्मचारियों से अब सहयोग की बात भी चल रही है। तो फिर उन पर यह बंदिश डालना कि वह न चुन कर सरकार ही चुनेगी, यह ठीक नहीं है। उन पर आप को भरोसा करना चाहिये। जब तक आप कर्मचारियों का सहयोग नहीं लेंगे तब तक काम नहीं चलेगा।

कार्य संचालन के सिलसिले में, उन से अच्छे सम्बन्ध बनें इसके सिलसिले में, बकों के उत्थान के सिलसिले में या बैंकों का ज्यादा से ज्यादा उपयोग आम जनता के हित में हो सके, जब आप यह करना चाहते हैं तो दो आदमियों को आप को मनोनीत नहीं करना चाहिए बल्कि उनके चुनने का अधिकार कर्मचारियों को दीजिए। यह जो मनोनीत करने का अधिकार आप अपने हाथ में लेना चाहते हैं, इससे मुझे ऐसा खतरा लगता है कि बैंक कर्मचारियों में से आप ऐसे लोगों को चुनेंगे जो आपकी हां में हां मिलाएं या जो वहां बैंक एम्पलाइज के संगठन हैं, उन के वे विरोधी हो क्योंकि तीन, चार दिन पहले इस सदन में आप के दल के एक सदस्य ने भाषण करते हुए सरकार को कुछ चेतावनी दी थी और वह चेतावनी आल इण्डिया बैंक्स एम्पलाइज एसोसियेशन के साथ सहयोग करने के विरूद्ध थी। तो मुझे संदेह होता है उन के भाषण से और इस तरह से उनको अधिकार न देने से कि वे स्वयं अपने में से दो आदमियों को चुन लें, इससे यह महक निकलती है और यह आशंका होती है कि आप कुछ खास लोगों को इसमें रखना चाहते हैं। तो मेरा संशोधन यह है कि उन दोनों लोगों को चुन कर आने का अधिकार दिया जाए। बाकी जो 18 संचालक होंगे बोर्ड में उनको तो सरकार चुनेगी और आपने जो यह कायदा

[श्री रामावतार शास्त्री]

रखा है, उसका मैं समर्थन करता हूं लेकिन कर्मचारियों और अधिकारियों को जब आप प्रतिनिधित्व देना चाहते हैं बोर्ड में जिस से बोर्ड का काम अच्छा हो, तो उन को दो आदमी स्वयं चुनने का अधिकार आप द जिए। इस के बाद में, उपाध्यक्ष जी, इस में यह रखा गया है कि संचालक बोर्ड के लिए जो लोग चुने जाएंगे, तो उन की अवधि पांच वर्ष की है और वे दुबारा भी चुने जा सकते हैं। मैं इस चीज पर बन्दिश लगाना चाहता हूं अपने संशोधन के जरिये क्योंकि अगर यह व्यवस्था रखी जाती है, तो एक आदमी पांच साल के बाद दुबारा चुना जा सकता है और उसके बाद फिर वही पांच वर्ष के लिए चुना जा सकता है। इसलिए मैं इसको नियंत्रित करना चाहता हूं। एक बार संचालक बोर्ड का एक आदमी पांच साल के लिए सदस्य चुना जाए और दुबारा आपको चुनने का मौका मिले, तो नये लोगों को आप मौका दीजिए। हमारे देश में टेलन्ट की कमी नहीं है। बैंक व्यवसाय में काफी योग्य आदमी है जिन्हें चुन कर आप वहां बिठा सकते है और उनसे अच्छा काम ले सकते हैं। नया ब्लड, नया खून प्रवाहित हो, ऐसी व्यवस्था आप कर सकते हैं। इसलिये यह मेरा संशोधन है। मेरे जो संशोधन है वे बहुत ही आवश्यक मालूम पड़ते है और इसलिए मैं आप से निवेदन करना चाहता हूं कि मेरे इन संशोधनों को स्वीकार करके यह जो डेवलपमेंट विकास बैंक होगा, उसके कार्यों को आप और बढ़िया बनावें। उसका संचालन और सही ढंग से हो सके, इसी उद्देश्य से मैं ने अपने संशोधन दिये हैं और मुझे उम्मीद है कि आप उन्हें स्वीकार करेंगे।

SHRI C. SUBRAMANIAM: This is also a matter which was discussed extensively in the Joint Committee. I am sure that the hon. Member was listening to Mr. Indrajit Gupta when he made his speech. Shri Indrajit Gupta had said that he was quite satisfied with the provisions that have been made in the bill, and the assurance that I had given that the procedures followed in the commercial banks would be followed here also. And he positively said that he did not expect regular elections to be held in which all the workers would be participating and that if such a thing should happen, perhaps that would be the surest way to have disaster in this institution.

SHRI RAMAVATAR SHASTRI: See what he has said in his Note of Dissent. Do not misquote him.

SHRI C. SUBRAMANIAM: What do you want these Directors to be on the Board for? Are they going to be the advocates of the rights and privileges of the workers, or are they going to contribute to the better management of the institution as such? I thought his leader said categorically that he did not expect them to raise questions of workers' rights and privileges and that they should contribute to the better management of the institution. Therefore, the only way in which it can be done is to select the proper people who have got expertise in this amongst the officers and the employees, not simply count the votes and select them. Once they have to depend upon the vote of the electorate, then naturally all sorts of pressures will be on them. The attitude of the voters would be that they would vote for these persons only if they are able to get them various privileges and other emoluments. So, from any point of view I am afraid the hon. Member is misguided in thinking that election alone is the best thing. I thought there was a little better discipline in the Communist Party and that they follow the lead given by their leaders.

SHRI RAMAVATAR SHASTRI: I know my leader better than you. I only expressed my opinion.

SHRI C. SUBRAMANIAM: Therefore, from any point of view I am afraid I cannot accept these amendments as the basic question involved is that instead of selection, it should be election.

MR. DEPUTY-SPEAKER: I put amendment Nos. 1 to 4.

Amendments Nos. 1 to 4 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 7 to 58, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 7 to 58, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI C. SUBRAMANIAM: I beg to move:

"That the Bill further to amend the Industrial Development Bank of India Act, 1964, the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948, the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956 and the Unit Trust of India Act, 1963, as reported by the Joint Committee, be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Industrial Development Bank of India Act, 1964, the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948, the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956 and the Unit Trust of India Act, 1963, as reported by the Joint Committee, be passed."

The motion was adopted.

14.18 hrs.

CIGARETTES (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) BILL.

THE MINISTER OF HEALTH AND FAMILY PLANNING (DR. KARAN SINGH): I beg to move:

"That the Bill to provide for certain restrictions in relation to trade and commerce in, and production, supply and distribution of, cigarettes and for matters connected therewith or incidental thereto, be taken into consideration."

It is now established beyond any reasonable doubt that cigarette smoking constitutes a major and a growing health hazard. A large number of studies have been made and a lot of research has been conducted. I do not want to take the time of the House by referring in too great detail to those documents. I would only refer to two documents which are with me and which are extremely recent.

The first is the Report of the WHO Expert Committee in 1975, this very year, on Smoking and its Effects on Health, and the second is the Third World Conference on smoking and health held in New York on the 2nd, 3rd, 4th and 5th June this year.

Sir, both of these documents show very clearly that a variety of harmful effects can flow from smoking. They are linked with certain diseases like lung cancer and infant mortality.

The latest discovery is that if pregnant mothers smoke too much, it can have a definitely adverse effect upon the unborn child. The development of the child can be hampered. The smoking effect acts both independently and also synergistically. In other words, by itself, it has a bad effect, but when it is combined with certain other factors such as hypertension

[Dr. Karni Singh]

(which means high blood pressure) and so on, then it tends to aggravate the entire situation. Therefore, it is clear that in the interest of society at large people must be warned of the ill effects of smoking on health.

And interestingly enough, apart from the people who actually smoke, there is another category of, what may be called, 'passive' smokers. This is a new term which I myself came across only the other day when I was reading my papers. As far as a passive smoker is concerned, I may put it this way. If your wife is a heavy smoker and you do not smoke, you would become a passive smoker. Whether you like it or not, you inhale the smoke that somebody else is emitting. Therefore, even though you may not directly smoke, to some extent, you suffer from these ill effects of smoking. When you go to a crowded room or a railway compartment, there even a non-smoker tends to get affected.

Therefore, we are, in this Bill, providing that all cigarettes, all packets of cigarettes manufactured in this country must carry a clear and legible warning. It should be mentioned on the packet that "smoking is dangerous to your health". The question was repeatedly asked why we are not covering *bidis* and cigars. It is an obvious question. We studied this very carefully. The answer is very simple. Cigars, cheroots and chewing tobacco are not products of scheduled industries and therefore do not fall within the purview of entry 33 in the Concurrent List under which we are making this law. Therefore, what we thought was that we would begin with the legislation of cigarette which does fall within the purview of Parliament.

It is possible that State Governments may adopt a legislation to cover these other products or some resolution could be passed by the State Governments requesting Parliament to legislate. And there is the other point of feasibility. Cheroot and *bidis*, as you know, are distributed over lakhs and lakhs of workers. In fact, as against 17,000 people, who are engaged in the manufacture of cigarettes, over 17 lakhs are engaged in the manufacture of *bidis*, etc.

Therefore, we have started with cigaretts and we feel that this is a long over due health measure which many countries in the world have adopted. It is definitely a progressive and useful piece of legislation, particularly in a country like ours where the general standards of nutrition are comparatively lower than what they are in other countries, where greater safeguards are required for the health of the people.

I would, therefore, very strongly commend the motion.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for certain restrictions in relation to trade and commerce in, and production, supply and distribution of cigarettes and for matters connected therewith or incidental thereto, be taken into consideration.".

श्री रामावतार शास्त्री (पटना) : मैं इस विधेयक क हार्दिक समर्थन करता हूं। इस तरह का विधेयक हमारे देश में बहुत पहले आना चाहिए था। लेकिन देर से ही सही सरकार की तरफ से एक सही कदम उठाया गया है। जो लोग सिग्रेट नही पीते, बीडी सिगार आदि कुछ भी नहीं पीते उन्हें तो इससे बड़ी खुशी होगी कि आपने इस तरह का कानून बनाने का साहस किया है लेकिन जो पीते हैं जब उनको पता चलेगा कि स्वास्थ्य के किए सिग्रेट आदि पीना

अत्यन्त हानिकर है तो वे भी स्वभावतः अपनी आदत को छोड़ने का प्रयास कर सकते हैं। अधिकांश लोग जो सिग्रेट आदि पीते हैं उन्हें मालूम नहीं होता है कि इसका असर स्वास्थ्य के ऊपर क्या पड़ता है। आप अब सिग्रेट के पैकेट्स पर यह जरूर लिख देंगे या इस तरह के लेबल अवश्य चिपका देंगे कि सिग्रेट पीना स्वास्थ्य के लिए हानिकारक है लेकिन इसी से आपको अपने कर्त्तव्य की इतिश्री नहीं समझ लेना चाहिए। इसके जो दुर्गुण हैं उनको जब तक लोग समझ नहीं पाएं और इस दुर्व्यसन को छोड़ नहीं दें तब तक आपका कर्त्तव्य पूरा नहीं होगा। सुदूर देहातों तक में लोगों ने बीड़ी और सिग्रेट पीना शुरू कर दिया है। हमारे छोटे बच्चे शहरों और देहातों में तथा छात्र जो स्कूलों और कालेजों में पढ़ते है उन लोगों ने सिग्रेट पीना एक फैशन समझ लिया है और वे धड़ल्ले से सिग्रेट पीना शुरू कर देते हैं। ऐसा भी देखा गया है—कि जो लोग सिग्रेट पीना शुरू करते हैं वे एक एक बार में दो दो और तीन तीन सिग्रेट मुंह में डाल लेते हैं। लेबल ही लगाना मैं समझता हूं कि काफी नहीं होगा। आप लोगों को बताएं और इसका जोरदार प्रचार करें कि इसका सेहत पर कितना बुरा असर पड़ता है तो और भी जयादा फायदा होगा। जो लोग सिग्रेट आदि पीते नही हैं वे इससे राहत की सास ले सकेंगे। लेकिन इसके बुरे प्रभाव का शिकार इन लोगों को भी होना पड़ता हैं। हम लोग पीते नहीं है लेकिन जब सफर करते हैं ट्रेंज आदि में तो हमें सिग्रेट पीने वालों के साथ बैठना पड़ता है, बसों में उनके साथ बैठ कर सफल करना पड़ता है और जब ये लोग सिग्रेट पीते हैं तो हम लोगों का गला रुंधने लगता है और हम को बहुत ज्यादा अनईजीसनेंस फील होती है। आपको मैं अपना तीन तारीख का तजुर्बा बताना चाहता हूं। मैं अपने परिवार के साथ पटना से आ रहा था। जयन्ती जनता के जिस कम्पार्ट-मेंट में मैं था उसमें बाकी सभी लोग सिग्रेट पीने वाले थे। मैं और मेरी पत्नी और बच्चे नहीं पीने वाले थे। मैंने सभी को कहा कि सिग्रेट न पीजिये भाई पीनी ही है तो बाहर जा कर पीजिये या खिड़की खोल कर पीजिये। एक सज्जन जो मिलिटरी के थे वे तो बाहर जा कर पीने लग गए लेकिन एक जो बिहार सरकार के कर्मचारी थे और मेरे परिचित भी थे वह मेरी बात को समझ नहीं सके। इसका नतीजा यह हुआ कि मेरी पत्नी को कै हो गई। जो पीते नहीं हैं उनके साथ बैठे हुए लोग जब पीते हैं तो उनको बहुत खराब लगता है और कै तक होने की स्थिति पैदा हो जाती है। इस वास्ते स्वास्थ्य मंत्री जी का कर्तव्य यहीं समाप्त नहीं हो जाना चाहिये कि उन्होंने इस तरह का एक बिल पास करवा दिया है। जो नहीं पीने वाले हैं वे तो इसका हार्दिक स्वागत जरूर करेंगे ही लेकिन जो पीने वाले हैं जब वे भी जान जाएंगे कि इससे फेफड़ों की बीमारी हो जाती है, कैंसर की बीमारी हो जाती है, तरह तरह की बीमारियां हो जाती हैं और वे छोड दें तो वे भी आपको धन्यवाद देंगे। हां जिन की आदत बन चुकी है और जो समझते हैं कि बीमारी हो या न हो वे तो जरूर पियेंगे ही उनकी बात अलग है। जैसे शराब पीने वाले हैं और शराब पीना उनकी आदत में शामिल हो गया है, कितना भी भाषण आप दीजिये वे शराब पियेंगे ही उसी तरीके से कानून बन जाने के बावजूद इस तरह के कुछ लोग हैं जो पियेंगे ही। करोड़ों करोड़ लोग जो सिग्रेट पीने वाले नहीं हैं उनकी तरफ से मैं आपको इस बिल को लाने के लिए धन्यवाद देता हूं और जो पीने वाले हैं और जो आपकी बात को समझ कर, इससे होने वाले नुक्सान को समझ कर इस दुर्व्यसन का परित्याग कर देंगे वे भी आपको इसके लिए धन्यवाद देंगे।

मैंने बहुत से इस में एमेंडमेंट दिए हैं। आपने कहा है कि लेबलों पर भाषाओं या भाषा का जिक्र होगा और अंग्रेजी और भारतीय भाषा या भाषाएं होंगी।

इस सदन और देश ने यह स्वीकार किया है कि हिन्दी हमारे देश की राजभाषा

[श्री रामावतार शास्त्री]

है । और अंग्रेजी सहभाषा है । उस को हम ने प्राथमिक भाषा स्वीकार नहीं किया है । लेकिन हमारे देश में अंग्रेजी जानने वाले लोग हैं और एक राज्य भी कह सकता है कि हम हिन्दी में काम नहीं करेंगे, हम अंग्रेजी में ही काम करेंगे । इस बात को दृष्टि में रख कर हम ने अंग्रेजी को सहभाषा का दर्जा दिया है ।

लेकिन हमारी मंशा है कि हिन्दी ज्यादा से ज्यादा आगे बढ़े—सब लोगों के सहयोग से, जोर-जबर्दस्ती से नहीं । इस के अनुसार भारत सरकार के विभिन्न विभाग हिन्दी को प्रोत्साहित करने के लिए कदम बढ़ा रहे हैं । कुछ दिन पहले हम लोगों ने एक प्रस्ताव पास किया कि हिन्दी के प्रयोग के सम्बन्ध में राष्ट्रपति को सलाह देने के लिए एक समिति गठित की जाये । गृह मंत्रालय ने एक हिन्दी सलाहकार समिति गठित की है । अन्य बहुत से मंत्रालयों ने भी ऐसी समितियां गठित की हैं और अन्य करने जा रहे हैं ।

हम हिन्दी को ज्यादा बढ़ावा देने जा रहे हैं । तो फिर इस विधेयक में हिन्दी का उल्लेख क्यों नहीं किया गया है ? अंग्रेजी को बेशक रखा जाये । उस से हमारा विरोध नहीं है, क्योंकि वह हमारी सहभाषा है । लेकिन इस विधेयक में हिन्दी का कहीं जिक्र नहीं है । तामिलनाडु की वर्तमान सरकार के रहते हुए वहां सिग्रेट के पैकटों पर हिन्दी में कभी नहीं लिखा जा सकेगा । बहुत सी सरकारें हिन्दी में लिखने की व्यवस्था करेंगी, क्योंकि इस विधेयक में "भारतीय भाषाओं" की बात कही गई है, और उन में वे हिन्दी को भी सम्मिलित करेंगी । लेकिन किसी किसी प्रदेश की सरकार ऐसा नहीं करेगी । इसलिए सरकार हिन्दी को इससे अलग क्यों रखना चाहती है? इस में स्पष्ट रूप से हिन्दी का जिक्र किया जाना चाहिए ।

मैंने जो एमेंडमेंट दिये हैं, देखने में वे बहुत से लगते हैं, लेकिन वे सब हिन्दी से सम्बन्धित हैं । क्लाज-बाई-क्लाज डिसकशन के समय मैं उन पर बोलूंगा ।

SHRI G. VISWANATHAN (Wandiwash): Mr. Deputy-Speaker, Sir. I rise to support the Bill brought forward, though belatedly, by our Government and our Minister. Sir, I think tobacco has caused more harm to this country and to the world than all the evils put together. Once the habit starts—it starts quite early nowadays, for even at the age of ten or twelve some start smoking—it goes on till death. May be, some people stop on the doctor's advice at 60 or 70, but by that time, it becomes too late. It is A.G. Gardiner who said "I don't possess the pipe; it is the pipe which possesses me". This is very true of all habitual smokers because, once they start the habit, they cannot leave it. Even if they are on a particular important job, they leave it in search of a cigar, beedi etc., to which they are accustomed.

I don't know the history of tobacco in this country but a report says that tobacco was first brought to England in 1585 and, by 1614, there were 7000 shops in London alone where this tobacco was sold.

In spite of all the measures which have already been taken in this country against this hazard, it is going on. People—at least some of them—know very well that apart from lung cancer, coronary and heart diseases are being contributed to by smoking but, in spite of it, smoking is going on. I am very happy that the Health Minister has come forward with this Bill to tell the people "Smokers, beware of this; it is going to cost your lives".

In the United States they conducted a survey on smoking and the hazards of smoking and they found that in the United States, the per capita cigarette consumption—which

they calculated for people from 15 years of age onwards—had increased from 49 cigarettes per year in 1900 to 3,888 by 1960.

In Britain also, they had an army of physicians to go into these hazards of smoking. The Royal College of Physicians, London, published a report in which they said that, "apart from cancer, it contributed to the development of coronary diseases and other heart diseases". The most widely publicised report on smoking was in 1964 in the United States. The Committee came to the conclusion that "cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action". I do not know whether the smokers in this country and abroad know the results or the consequences of smoking. I would like to quote here from a book which says:

> "Combined results show that death rates among cigarette smokers rise with the number of cigarettes smoked daily. For men who smoke fewer than ten cigarettes per day, the death rate is 40 per cent higher than for non-smokers; the death rate is 79 per cent higher for those who smoke from 10 to 19 cigarettes per day, 90 per cent higher for those who smoke from 20 to 39 cigarettes per day and 120 per cent higher for those who smoke more than 40 cigarettes per day. The death rates also grow progressively higher as the years of smoking experience increase A direct association is found between the degree of inhalation and the death rate; the more deeply the smoker inhales, the higher the death rate"

I think, at least the fear that they will die before their natural age will prevent people from taking to smoking. This habit has affected not only the old people but also the younger generation of this country, particularly the college students. I thought that only the boys were affected, but after the women's liberation movement, I find, even girls have taken to smoking, especially in the colleges and universities. I think, it is the duty of the leaders and particularly of the Parliamentarians to see that this habit of smoking goes down, if not stopped....

AN HON. MEMBER: First stop it in the Central Hall.

SHRI G. VISWANATHAN: If possible, the Health Minister can stop it in the Central Hall.

It is very difficult for us, particularly when we travel in aircraft which is air-conditioned. The Minister should take measures to see that, at least for two or three hours, the passengers in the aircraft refrain from smoking. There are already rules to prohibit smoking in auditorium, theatre halls, etc., but these are not properly implemented. I think, the State Governments have to be asked to see that these rules are strictly implemented—and not implement only the MISA like the Tamil Nadu Government.

This is a very important Bill. Already so many countries have taken measures. For example, in Britain, in 1965 they had a Bill on these lines. Even advertisement in television is prohibited. In some of the Eastern countries like Singapore and Malaysia, advertisement in any form, in television or radio or newspapers, is prohibited. In Italy also, in 1962, they brought a Bill to prohibit advertisement of cigarettes or cigars or any form of tobacco. I am very glad that, even though it has come a bit late, we are going to pass this very important Bill. It is not only a question of advertisement. We must be able to persuade the people to stop smoking, we must persuade at least our own Members in this House to stop smoking or at least refrain

[Shri G. Viswanathan]

from smoking during Sessions in the Central Hall.

With these words, I whole-heartedly support this measure.

SHRI CHAPALENDU BHATTACHARYYIA (Giridih): Mr. Deputy-Speaker, Sir, as a person who smoked about a hundred cigarettes a day year after year and who has given up smoking without much difficulty, though of course with some amount of struggle, I think, I can speak with some personal experience. Smoking cigarettes is part of a wider effort at relaxation. Tobacco, opium and laudanum were very much in vogue in Britain once; in fact, De Quincy wrote a tract on the pleasures of smoking opium. Things have changed over the years.

Now the difficulty is not with cigarettes, but we have gone a step further. My niece who was studying in Delhi University was telling me that in the course of one hour in the common room, she would normally get offers of 5-6 cigarettes from her fellow co-eds, one of which at least would be loaded with LSD. Sir, the point is cigarette was bad enough, but LSD is worse and that is the nature of the threat to the younger generation that we are facing.

I know about the views of the American Medical Society and the British Medical Society about cigarette smoking, but just like liquor, there were high pressure interests at work and the Government interest in revenue also helped this escalation in smoking.

Just now, one of my friends, said that the girls have taken to smoking. The point is that psychologically, when the teenagers including girls start smoking, they in reality declare their independence and flaunt smoking as a proof that they are mature and independent of the social taboos and home environment.

The difficulty about this bill is that a mere label that smoking is dangerous, in my opinion, will not meet the intricacies of the situation. There is high pressure merchandising and you see the propaganda that the cigarette companies are projecting. They say: "If you have missed your train, or lost your purse, nothing is lost if you have got Scissors." You see 'Made for Each Other" propaganda. High pressure advertisement from different angles and brain-washing of the people is going on. How can you combat this menace by merely compelling these companies for writing in this warning? They will take care to print this in the smallest letters so that that is overlooked. If you wish to combat it, it has to be supported by a big educational effort and a counter propaganda and counter advertisement against the perils of smoking in T.V. cinema houses and radio. A question will arise, if the cigarette factories are closed down what will happen to the amount of about Rs. 200 crores that we get by way of exise duty The wayout is for the Government to take over these industries as a last resort so that they can plan on the basis of a long-range good of the people and on the basis of their budgetary position, and how much they can allow them to smoke. Along with this, I must remind the Minister for Health and Family Planning about the urgent need of combating the deadly habit-forming drug, now being injected in the University campuses, that is LSD Cigarette is also habit So forming but lees some cigarette-smokers say that it is very easy to give up smoking and he has give it up half a dozen times! But it is not. साप तो छोड़ते हैं, कमली नहीं छोड़ती है।

Lady nicotine is waiting on the sidelines always to catch hold of you. To

get out of the clutches of Lady nicotine is a long-range struggle.

I wish you well; I support the Bill, but I have my doubts whether this alone will meet the requirements of the situation.

SHRI S. M. BANERJEE (Kanpur): I am really surprised why a non-smoker should be a Health Minister. The whole difficulty is that simply writing that it is injurious to health will not compel anyone or persuade anyone not to smoke. I know smoking is bad, especially for me as I am an asthmatic patient as also a cardiac asthmatic patient. Still I go on smoking. I do not know You can leave everything in the country, but to leave smoking, as my friend characteristically said, is very difficult I remember a story when somebody said, 'I have left drinking A man used to drink in a particular hotel every night. Instead of having the drink twice, he used to have two glasses of whiskey with one peg in each The waiter asked him, 'Why don't you take it twice? Why take it in two glasses?' He said, 'This is for my friend who is not here and in whose memory I drink and the other one is for me' After 15—20 days when the gentleman returned, he took only one glass and out of curiosity, the waiter asked him, 'What about your friend?' He said, 'He is fine. I got a letter from him.' The waiter asked, 'Why don't you drink for him?' He said, 'This is exactly for him. I have left drinking' So also, as far as I am concerned, I have left smoking because I have been asked by the government to do so and if I am smoking, I am smoking for others.

Of course, it may not affect the cigarette industry as such. I have seen that in foreign countries and you have seen more and you know how slides are shown how cigarettes are bad for health. But nothing worthwhile has happened. I think it is human psychology perhaps. I wish you good-luck. Dr. Karan Singh is a good man and if somebody follows him, he will really become a good man. But, unfortunately, people do not follow him.

The biggest income is from cigarettes in this country. I do not say that we should derive income at the cost of our health. My submission is only this. We will have to educate the people at large. My friend, Shri Chapalendu Bhattacharyyia was telling about the teenagers, that they take to smoking and that they start drinking also. But it is bad. You know it is a social evil. We can eradicate it only by educating people properly.

My friend, Maulana Ishaque Sambhali is going to speak. He will contradict me. But somebody said in Urdu:

किसी ने कहा शराब छोड़ दो, तो पीने वाले ने कहा—

"जाहिद शराब पीने दे मस्जिद में बैठ कर।
या वह जगह बता दे जहां खुदा न हो।।'

So, when everyone smokes, it is very difficult to leave smoking.

With these words I support this Bill.

SHRI K. GOPAL (Karur): While I rise to support this Bill, I just remember what I read a few years ago. When Lord Montgomery and Winston Churchill met, Montgomery said, 'Winie, I do not smoke, I do not drink, I don't have any vice but I am hundred per cent fit.' Whereupon Winston Churchill retorted, 'I drink a lot, I smoke a lot, I do a lot things; still I am 200 per cent fit.' And you know Winston Churchill was neither a doctor nor a scientist. I am yet to understand and whether Winston Churchill was right or Lord Montgomery was right.

So also I remember what George Bernard Shah said about cigarettes.

[Shri K. Gopal]

'At the one end there is fire and at the other there is a fool'. According to Bernard Shaw, people like me are still fools.

As my hon. friends said, this evil of smoking cannot be eradicated by sheer advertisements I am smoking cigarettes. It is bad. As a matter of fact, a couple of years ago, I went to the hospital to undergo a serious eye operation. When the operation was over, I was telling my wife, 'Look here. I am going to give up smoking.' She said, 'Anyway, you better ask the doctor so that later on you may not be tempted to smoke.' I said, 'If you don't believe me, we can consult the doctor.' When we consulted the doctor, he asked, 'How many cigarettes you smoke daily?' I said, 'Ten'. Then he said, 'It is not considered smoking.' He said that is not smoking You continue to smoke. When the bill becomes an Act, it might do a lot of good. There is every possibility that after seeing the advertisements people may start smoking. To fight that we shall have to create social environment We will have to educate people. We will have to tell the youngsters that smoking has harmful effects. Voluntary organisations will have to take up this job. We cannot tell the youth of the country not to smoke. I can make my son not to smoke but not the people at large.

With these words I support the Bill.

श्री इसहाक सम्भली (अमरोहा) : डिप्टी स्पीकर साहब, डा० कर्ण सिंह जी ने यकीनन एक बहुत अच्छी तजवीज ला कर पेश की है । वे बड़ी खूबी के आदमी हैं, इसलिये इस को सपोर्ट तो करना ही होगा, लेकिन मैं एक बात मालूम करना चाहता हूं—सिगरेट की पैकेट पर यह लिखा जायगा कि यह हानिकारक है, सेहत के लिये मुजिर है । लेकिन आप ने गौर किया होगा, डाक्टर साहब के इल्म भी होगा —डाक्टर से हम ने सुना है—न सिगरेट पीते हैं, न शराब पीते हैं—इस लिये मेरी बात पर गौर करेंगे—क्या इस पर भी कभी गौर किया कि सिगरेट जितनी हानिकारक है, जितनी नुकसान देने वाली है, शराब उस से भी कहीं ज्यादा नुक्सान देनेवाली है । मेरे भाई श्री चपलेन्दु भट्टाचार्य ने जैसा कहा—बच्चों के बारे में—मैं बहुत दुख के साथ कहना चाहता हूं कि कालिजिज ही नहीं, हाई स्कूल्ज के स्टूडेन्ट्स में भी शराब पीने की वबा बड़ी तेजी के साथ फैल रही है । मुझे देख कर बड़ा ताज्जुब हुआ—मैंने उन बच्चों को देखा जो 9वीं और 10वीं क्लास में पढ़नेवाले हैं, खाते-पीते घरों के बच्चे है, वे बच्चे शराब पीते हैं । क्योंकिघर मे बाप को शराब पीते हुए देखते हैं भाई को शराब पीते हुए देखते हैं इसलिए उन को भी लत लगती है । वे नहीं जानते कि इस एज मे शराब पीने से कितना ज्यादा नुकसान होगा । शराब मे इतना नुकसान होता है—यह बतला कर मुझे हाउस का वक्त लेने की जरूरत नहीं है । मैं फैशनेबालो की बात नही करता, फैशन के लिये या सोसायटी को मेन्टेन करने के लिये, जो लोग स्मोक करते हैं या ड्रिन्क करते हैं उन की बात मैं नही करता, लेकिन कामन-मैन है, जो मजदूर हैं, वह शराब पीते है या सिगरेट पीते हैं, वे किसी फैशन के लिये नही, अपनी थकावट को दूर करने के लिये, अपनी परेशानियों को कम करने के लिये, पीते हैं । मैं बड़े अदब से दरखवास्त करूगा —अब भी वक्त है, आप एक अमेण्डमेन्ट दीजिये जहा सिगरेट के बेर पर ऐसी बात लिखी जायगी, वही शराब की हर बोतल पर भी लिखा जाना चाहिये कि यह जहर है । सोवियत यूनियन में मैंने अपनी आंखों से देखा वहां पर हर बोतल पर यह लिखा रहता है । हालाकि इस के बावजूद, इस लत मे कमी तो आई है, लेकिन इस का खात्मा नही हो सका ।

MR. DEPUTY-SPEAKER: The Bill is about cigarette and not about liquor.

श्री इसहाक सम्भली : इस लिये मैं कहना चाहता हूं—यह तो आप ने देखा ही है कि गरीब तबके के वर्किंग क्लास के जो लोग, शराब पीते है या स्मोक करते हैं, वे अपने दुखों को भूल जाने के लिये, अपने गम को गलत करने के लिये, थोडी सी देर के लिये अपने दिमाग को राहत देने के लिए करते हैं । लेकिन मैं समझता हूं इन दोनों चीजों से वे अपनी बाडी के अन्दर जहर दाखिल करते हैं, चाहे वह शराब हो या तम्बाकू हो । इसलिये मैं दरख्वास्त करूंगा—जरूरत इस बात की है कि शराब के लिये भी फौरी तौर पर कदम उठाया जाय । मैं तो कहूंगा—बेहतर यह है कि इस मौके पर जब कि मुल्क के लिये बहुत से अच्छे काम किये जा रहे हैं, श्रीमती इन्दिरा गांधी बहुत से हिस्टोरिकल काम कर रही हैं, तो इस मुल्क के कामगर मैन को राहत दिलाने के लिये जरूरत इस बात की थी कि इस की तरफ भी कदम उठाया जाय । हालांकि फौरन कह दिया जायगा—डाक्टर कर्ण सिंह साहब न भी कहे—तो सुब्रह्मण्यम साहब कह देंगे—नहीं, नहीं, इस से करोडों रुपयों का नास होगा, यह मुमकिन नही है । पूरे मुल्क में मिला कर इस से अरबो रुपये की रेवेन्यू का लास होगा । अगर अरबों रुपये की रेवेन्यू का लास नहीं बर्दाश्त करना है, लोगों की सेहत बरबाद कर के, लोगों की जिन्दगिया बरबाद कर के उस लास को बरदाश्त न किया जाय, लेकिन मेहरबानी कर के, उन के लिये कम से कम इतना तो जरूर कर दीजिये कि शराब की बोतलों पर भी छापा जाय ।

साथ ही साथ मैं दरख्वास्त करूंगा कि इस बात का भी लिहाज रखना चाहिये कि यह सिगरेट हमारे मुल्क के अन्दर पहले कितनी बनती थी और अब कितनी बडी तादाद में बन रही हैं । जो बन रही है वह किन के लिये बन रही हैं । जो फोरन कम्पनीज हिन्दुस्तान के अन्दर हैं वह कैसा तम्बाकू लगाती हैं, क्या चीज इस्तेमाल करती हैं, कैसा कागज लगाती हैं, मैं नहीं समझता इस के बारे में आप कन्ट्रोल कर सकते हैं । मैं नहीं जानता आप इस बारे में भी सोचते हैं कि वह जो प्राफिट करती हैं, वह पैसा हिन्दुस्तान के काम में भी आ सके । इसलिये जरूरत इस बात की है—अगर सिगरेट पर कन्ट्रोल करना है तो पहले जो फारेन सिगरेट कम्पनीज है, उन को मेहरबानी कर के हिन्दुस्तान से चलता कीजिये । उन को नेशनलाइज कीजिये ताकि सिगरेट की पैदावार पर, सिगरेट की क्वालिटी पर, आप अपने मन के मुताबिक कन्ट्रोल कर सकें । इस के बाद मैं बड़े अदब से कहूंगा कि सिर्फ इस पर लेबल लगाने से काम नहीं चलेगा, जरूरत इस बात की है कि उन वर्किंग क्लासेज के लिये, उन गरीबों के लिये, आल्टरनेट एन्टरटेनमेन्ट प्रोवाइड कीजिये । वह गरीब जो अपनी थकान को दूर करने के लिये शराब पीते हैं, सिगरेट पीते हैं उन के वास्ते एन्टरटेनमेन्ट प्रोवाइड कीजिये, तभी जा कर आप के इस बिल का मकसद पूरा हो सकता है और तभी आप को कामयाबी मिल सकती है ।

[شری اسحاق سمبھلی (امروہہ) :

ڈپٹی سپیکر صاحب - ڈاکٹر کرن سنگھ جی نے یقیناً ایک بہت اچھی تجویز لا کر پیش کی ہے - وہ بڑی خوبی کے آدمی ہیں اس لئے اس کو سپورٹ تو کرنا ہی ہوگا لیکن میں ایک بات معلوم کرنا چاہتا ہوں - سگریٹ کے پیکٹ

[شری اسحاق سمیلی]

پر یہ لکھا جائے گا کہ یہ مالی کارک ہے - صحت کے لئے مضر ہے- لیکن آپ نے غور کیا ہوگا ڈاکٹر صاحب کے علم میں بھی ہوگا - ڈاکٹر صاحب تو سنا ہے کہ نہ سگریٹ پیتے ہیں اور نہ شراب پیتے ہیں - اس لئے میری بات پر غور کریں کہ اس پر بھی کبھی غور کیا کہ سگریٹ جتنی مالی کارک ہے، جتنی نقصان دینے والی ہے شراب اس سے بھی کہیں زیادہ نقصان دینے والی ہے - میرے بھائی شری چھلنڈو بھٹاچاریہ نے جیسا کہا بچوں کے بارے میں میں بہت دکھ کے ساتھ کہنا چاہتا ہوں کہ کالج ہی نہیں ہائی سکول کے سب سٹوڈینٹس میں بھی شراب پینے کی وبا بڑی تیزی کے ساتھ پھیل رہی ہے - مجھے دیکھ کر بڑا تعجب ہوا - میں نے ان بچوں کو دیکھا جو نویں یا دسویں کلاس میں پڑھنے والے ہیں - کھاتے پیتے گھروں کے بچے ہیں - وہ بچے شراب پیتے ہیں کیونکہ گھر میں باپ کو شراب پیتے ہوئے دیکھتے ہیں - بھائی کو شراب پیتے ہوئے دیکھتے ہیں - اس لئے ان کو بھی لت لگتی ہے - وہ نہیں جانتے کہ اس ایج میں شراب پینے سے کتنا زیادہ نقصان ہوگا - شراب سے اتنا نقصان ہوتا ہے کہ یہ بتلا کر مجھے ہاؤس کا وقت لینے کی ضرورت نہیں ہے- میں فیشن والوں کی بات نہیں کرتا - فیشن کے لئے یہ سوسائٹی کو موڈرن کرنے کے لئے جو لوگ سموک کرتے ہیں - ان کی بات میں نہیں کرتا - لیکن کامن مین ہیں، جو مزدور ہیں - وہ شراب پیتے ہیں یا سگریٹ پیتے ہیں - وہ کسی فیشن کے لئے نہیں اپنی تھکاوٹ دور کرنے کے لئے - اپنی پریشانیوں کو کم کرنے کے لئے پیتے ہیں - میں بڑے ادب سے درخواست کرونگا - اب بھی وقت ہے آپ ایک امینڈمینٹ بھیجئے - جہاں سگریٹ کے کیس پر ایسی بات لکھی جائے گی وہیں شراب کی ہر بوتل پر بھی لکھا جانا چاہئے کہ یہ زہر ہے - سویت یونین میں میں نے اپنی آنکھوں سے دیکھا وہاں پر ہر بوتل پر یہ لکھا جاتا ہے - حالانکہ اس کے باوجود اس لت میں کمی تو آتی ہے لیکن اس کا خاتمہ نہیں ہو سکا -

MR. DEPUTY-SPEAKER: The Bill is about cigarette and not about liquor.

شری اسحاق سمیلی : اس لئے میں کہنا چاہتا ہوں - یہ تو آپ نے دیکھا ہی ہے کہ غریب طبقے کے ورکنگ کلاس کے جو لوگ شراب پیتے ہیں یا سموک کرتے ہیں وہ اپنے دکھوں کو بھول جانے کے لئے، اپنے غم کو غلط کرنے کے لئے تھوڑی سی دیر کے لئے اپنے دماغ کو راحت دینے کے لئے -

چاہیئے کہ یہ سگریٹ ہمارے ملک کے اندر پہلے کتنی بنتی تھی اور اب کتنی بڑی تعداد میں بن رہی ہے - ہے-جو بن رہی ہے وہ کن کے لئے بن رہی ہے جو فارن کمپنی ہندوستان کے اندر ہیں وہ کیسا تمباکو لگاتی ہیں - کیا چیز استعمال کرتی ہیں - کیسا کاغذ لگاتی ہیں - میں نہیں سمجھ سکتا اس کے بارے میں آپ کنٹرول کر سکتے ہیں - میں نہیں جانتا - آپ اس کے بارے میں بھی سوچتے ہیں کہ وہ جو پروفٹ کرتی ہیں وہ پیسہ ہندوستان کے کام بھی آ سکے - اس لئے ضرورت اس بات کی ہے کہ اگر سگریٹ پر کنٹرول کرنا ہے تو پہلے جو سگریٹ کمپنی ہیں ان کو مہربانی کر کے ہندوستان سے چلتا کیجئے - ان کو نیشنلائز کیجئے تاکہ سگریٹ کی پیداوار پر، سگریٹ کی کوالٹی پر آپ اپنے من کے مطابق کنٹرول کر سکیں - اس کے بعد میں بڑے ادب سے کہونگا کہ صرف اس پر لول لگانے سے کام نہیں چلے گا - ضرورت اس بات کی ہے کہ ان ورکنگ کلاسز کے لئے، ان غریبوں کے لئے، الٹرنیٹو ایمپلائمنٹ پروواڈ کیجئے تبھی - جا کر آپ کے اس بل کا مقصد پورا ہو سکتا ہے - تبھی آپ کو کامیابی مل سکتی ہے-]

डा० कर्ण सिंह : उपाध्यक्ष महोदय, श्री रामावतार शास्त्री जी ने यह कहा और सत्य कहा कि केवल इस बिल को पास करने से

لیکن میں سمجھتا ہوں کہ ان دونوں چیزوں سے وہ اپنی باقی کے اندر زہر داخل کرتے ہیں - چاہے وہ شراب ہو یا تمباکو ہو - اس لئے میں درخواست کرونگا - ضرورت اس بات کی ہے کہ شراب کے لئے بھی فوری طور پر قدم اٹھایا جائے - میں تو کہونگا بہتر یہ ہے کہ اس موقعہ پر جبکہ ملک کے لئے بہت سے اچھے کام کئے جا رہے ہیں - شریمتی اندرا گاندھی بہت سے ہسٹوریکل کام کر رہی ہیں - تو اس ملک کے کامن مین کو راحت دلانے کے لئے ضرورت اس بات کی ہے کہ اس کی طرف بھی قدم اٹھائے جائیں - حالانکہ فوراً کہہ دیا جائے گا - ڈاکٹر کرن سنگھ صاحب نہ بھی کہیں تو میرا مانیم صاحب کہہ دینگے - نہیں - نہیں - اس سے کروڑوں روپئے کا لوس ہوگا - یہ ممکن نہیں - پورے ملک میں ملاکر اس سے اربوں روپئے کی ریونیو کا لوس ہوگا - اگر اربوں روپئے کے ریونیو کا لوس نہیں برداشت کرنا ہے، لوگوں کی صحت برباد کرکے لوگوں کی زندگیاں برباد کر کے برداشت نہ کیا جائے - لیکن مہربانی کر کے ان کے لئے کم سے کم اتنا ضرور کر دیجئے کہ شراب کی بوتلوں پر بھی چھاپا جائے -

ساتھ ہی ساتھ میں درخواست کرونگا اس بات کا بھی لحاظ رکھنا

[डा० करण सिंह]

हमारा कर्त्तव्य पूरान ही होता । मैं तो कहुंगा हमारा कर्त्तव्य इस से आरम्भ होता है, क्योंकि जैसा हमारे अन्य मित्रों ने कहा—जब तक इसको शैक्षणिक दृष्टि से न देखा जाय, तब तक यह कार्य हमारा सफल नहीं हो सकता है । हमारा तो विचार है—जहां स्कूल और कालिजिज हैं, जहां यह सिगरेट की बीमारी बढ़ रहीं है, वहा हम शिक्षा के माध्यम से और जो हमारी शिक्षा सस्थाएं हैं उन के माध्यम से इस के विरुद्ध प्रचार करने का कुछ न कुछ प्रयास करें

जहां तक हिन्दी का प्रयत्न है इस में जो क्लाज 6 है, उस में हम ने केवल यह कहा है कि जब एक पैकेज पर अंग्रेजी में उस का नाम इत्यादि लिखा होगा तो अंग्रेजी में वार्निंग होगी, जब हिन्दी में लिखा होगा तो हिन्दी में वार्निंग होगी और जहां अन्य भाषाओं में लिखा होगा तो अन्य भाषाओं में वार्निंग होगी । हमें अंग्रेजी का इस लिए अलग करना पड़ा कि भारतीय भाषाएं जो हैं, जो आठवें शेडयूल मे हैं, उन मे हिन्दी का जिक्र है । मैं रामावतार जी से विनम्र प्रार्थना करुगा कि हिन्दी का प्रचार बड़ा आवश्यक है, लेकिन हिन्दी के प्रचार को सिगरेट जैसी दुष्ट वस्तु के साथ न मिला कर, उस के अलाव। हम करें तो अच्छा रहे ।

15 00 hrs.

Sir, my dear friend, Shri Viswanathan had mentioned several surveys that had been undertaken. He mentioned a more important one which I had not covered in my earlier remarks. It is entirely true—he also said that—that in theatres, buses, auditoria and so on, the anti-smoking restrictions should be very stringently applied. I entirely agree with him. In fact, he may have noticed that in the Indian Airlines now, the first four rows on either side of the aisle are for non-smokers. There is a special sign, and now more and more, in the international airlines and in domestic airlines smoking is being discouraged. I think the same sort of thing should be done in our buses. After all, a bus journey is not likely to be a very long one and there is no reason why in buses, even if one is an addict, one should not be able to exercise at least the modicum of self-control when it comes to the journey. But, as I said earlier, why the poor person who does not smoke at all is also inflicted with this unpleasant atmosphere unnecessarily. Therefore, I entirely agree with what Shri Viswanathan said.

It is a matter of great pleasure that after a long romance with Lady Nicotine, Shri Chaplendu Bhattacharyya has at last got a divorce! I congratulate him on this. And I think that he has shown that if, as he says, he smoked a hundred cigarettes a day, it is quite remarkable that he has given this up. But, he has touched upon another issue which is an extremely serious one. That is the issue of drug addiction and the fact that through cigarettes, all sorts of dangerous drugs are beginning to find a way into the market. This is a slightly different problem, but I may say that we are deeply and gravely concerned over the growing menace of drug addiction in this country Still, compared with the so-called advanced countries or developed countries, we are comparatively free from this menace But, there have been reports from time to time that international agencies connected with this sort of illegal and atrocious trade and trafficking are now beginning to enter this market. I entirely agree when he raised a note of warning, and I may inform the House that in the Health Ministry, we have just recently set up a special group to enquire into the question of drug addiction and to see how far it has reached and what it is that can be done. I would urge that the only really effective way to deal with this is to be vigilant, particularly to see that the people who are responsible– I am sure a lot of smuggling takes place; Heroin, Cocaine and other types of drugs are now smuggled into the country from abroad. The anti-

smuggling drive, I hope, will also help us in this matter.

To my good friend, Shri S. M. Banerjee, not only as a friend but also as Health Minister—my advice is to give up the smoking immediately. I think he should take a leaf out of Shri Chapalendu Bhattacharyya's book, as he says that he is a patient and he is a friend of all of us and he would be extremely unhappy if smoking were to further worsen his condition.

As I mentioned in my opening remarks, smoking not only has an independent impact but it has also a synergestic impact. In other words, if there are already symptoms, whether it is asthma, whether it is cholesterol level high blood pressure or hyper-tension or even perhaps diabetes, smoking reacts upon the existing symptoms and makes the situation very much worse. It is quite clear that it is nobody's claim that simply by printing a warning upon a packet of cigarettes, the problem is solved. I think that would be a simplistic point of view. Let my hon. friends know that there will have to be a sustained and long-range effort, as a beginning of a national campaign of education to the general public against smoking, particularly as Maulana Sahib said with regard to the younger generation because it is most unfortunate that young people take to smoking as simply some kind of revolt or assertion of their individuality or independence. This phenomenon is well-know through the ages. Every younger generation that comes up wishes to re-assert its individuality, to show that it can stand on its own feet, but it is unfortunate that smoking and drinking are sometimes used as a medium for this assertion. Parental influence can have a tremendous effect in this aspect. I may tell you about my own experience. It is interesting. My father said to me, "Look ! do not smoke until you are eighteen. On your eighteenth birthday I will personally give you as a present a gold cigatettes case and a good lighter." I said, "Fine." I waited and it so happened on my eighteenth birthday, he asked me whether I still wanted them. I said, "No". It is a psychological way. If you keep on saying do not smoke, then the youngesters go to the bathroom and smoke. Talk to them as parents and explain to them that it is bad for their health and development, that they will not be able to grow properly or their physique will not develop with the result their games and other things will be affected, I think the younger generation will respond.

जनाब मौलाना साहब ने शराबनोशी और सिगरेट का जो बाहमी ताल्लुक है, उस के सिलसिले में कुछ रोशनी डाली । इस में कोई शक नहीं शराब-नोशी एक निहायत ही खतरनाक चीज है और इस से सेहत के ऊपर बहुत बुरा असर पड़ता है । मैं आप को बतलाऊं—अभी प्रधान मंत्री जी बतला रही थीं, जब आप तकरीर फरमा रहे थे, कि उन्होंने कई बार रियासतों के बड़े-वजीरों को खत लिखे—'प्राहिबिशन' को तो देखा जायगा, लेकिन आप टैम्परेंस के सिलसिले में कुछ कीजिये । मेनसड़क पर जो शराब की दुकानें खुल रही हैं, चलते रास्ते जिस का मन आय, शरब पीले, खुद भी जहन्नुम में जाये और जो रास्ते में चल रहे हैं उन को भी स्वर्ग तक पहुंचाये—ये इस किस्म की चीजें हैं जिन को रोका जाना चाहिये ।

मौलाना साहब का एक सुझाव था कि शराब की बोतल पर भी लिखा जाना चाहिये कि यह खतरनाक है । यह एक नया सुझाव है, हम इस पर जरूर गौर करेंगे ।

श्री ए० एम० बनर्जी : मौलाना साहब की फोटो उस पर छाप दिया करें, तो खुद-ब-खुद लोग बाखबर हो जाय ।

श्री दरबारा सिंह : उस से तो सैंक्शन मिलेगी कि अच्छे और शरीफ लोग भी पीते हैं ।

DR. KARAN SINGH: Sir, I am very much encouraged by the warm welcome this Bill has received and I would commend its passing by the House.

MR. DEPUTY SPEAKER: The question is:

"That the Bill to provide for certain restrictions in relation to trade and commerce in, and production, supply and distribution of, cigarettes and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted

MR. DEPUTY SPEAKER: The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted

Clause 6(*Language in which the specified warning shall be expression*)

MR. DEPUTY-SPEAKER: We shall now take up Clause 6. Mr. Ramavatar Shastri, are you moving your amendments?

SHRI RAMAVATAR SHASTRI: Yes. Sir, I beg to move:

Page 3,—

after line 23, *insert*—

"(a) Hindi, the specified warning shall be expressed in the Hindi language;" (1)

Page 3, line 26,—

after "any" *insert* "other" (2)

Page 3, line 27,—

after "such" *insert* "other" (3)

page 3, line 28,—

after "English" *insert* "Hindi" (4)

Page 3, line 28, —

after "more" *insert* "other" (5)

Page 3, line 29,—

after "English" *insert* "and Hindi" (6)

Page 3, line 29,—

after "such" insert "other" (7)

Page 3, line 31.—

after "English" insert "Hindi" (8)

Page 3, line 31,—

after "any" *insert* "other" (9)

Page 3, line 32,—

after "English" *insert* "and Hindi" (10)

Page 3, line 33.—

after "such" *insert* "other" (11)

Page 3, line 36,—

omit "and" (12)

Page 3, line 36,—

after "English" *insert* "and Hindi" (13)

Page 3, line 38,—

after "English" *insert* ",Hindi" (14)

Page 3, line 38,—

for "language as" *substitute* "languages as" (15)

Page 3, line 38,

after "such" *insert* "other" (16)

MR. DEPUTY-SPEAKER: Now, I shall put amendments Nos. 1 to 16 to Clause 6, moved by Shri Ramavatar Shastri, to the vote of the House.

Amendments Nos. 1 to 16 *were put and negatived*

MR. DEPUTY-SPEAKER: The question is .

'That Clauses 6 to 8 stand part of the Bill."

The motion was adopted

Clauses 6 to 8 *were added to the Bill*

Clause 9 (*Power to seize*)

MR. DEPUTY-SPEAKER: Now we, shall take up Clause 9. There is one

amendment, No. 17 by Shri Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI: Sir. I beg to move:

Page 4, line 14.—

for "ninety days" *substitute* "sixty days" (17)

MR. DEPUTY-SPEAKER: I will now put amendment No. 17 to Clause 9 moved by Shri Ramavatar Shastri, to vote of the House.

Amendment No. 17 was put and negatived

MR. DEPUTY-SPEAKER: Now, there are no amendments to Clauses 10 to 16. The question is:

"That Clauses 9 to 16 stand part of the Bill"

The motion was adopted

Clauses 9 to 16 were added to the Bill

Clause 17—(*Penalty*)

MR. DEPUTY-SPEAKER: Now, we shall take up Clause 17. There is one amendment, No. 18, by Shri Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI: Sir, I beg to ove:

Page 6, lines 11 and 12.—

for "or with fine which may extend to five thousand rupees or with both"

substitute "and with fine" (18)

उपाध्यक्ष महोदय, जो लोग सिगरेट पकेट पर वारनिंग नही छापेगे उन के लिये सजा की व्यवस्था की गई है । तो उस मे 3 साल की सजा दी जायगी या जुर्माना किया जायेगा, या दोनों किया जायगा । तो मेरा एतराज "या" पर है । 3 साल तो ठीक है, लेकिन 3 साल "या" जब कर देते हैं तो हाकिम की मर्जी पर है कि 100 रु० जुर्माना कर के छोड़ दे । जो हमारे यहा भ्रष्टाचार का माहौल है उस मे इस प्रकार की बातें हो सकती हैं । इसलिये मैं ने कहा है कि अगर आप को जुर्माना करना हो, चाहे 10 रु० ही सही, लेकिन सजा के साथ साथ जुर्माना भी रखिये । यानी सजा भी और जुर्माना भी । "या" मत कीजिये । इसलिये मैं ने कहा है कि जुर्माना 5,000 की व्यवस्था रखिये ताकि सख्त कानन रहे । 10, 100 रु० जुर्माना से काम नहीं चलेगा । तो सजा और जुर्माना दोनों देने की व्यवस्था अब शुरु कर देनी चाहिये ताकि आप का मकसद हल हो सके । नही तो जुर्माना मे आप का मकसद पूरा नहीं होगा ।

डा० कर्ण सिंह: उपाध्यक्ष महोदय, विचार तो अच्छा है । लेकिन जब हम पहली बार इस चीज को ला रहे है और हम समझते है कि एक बार यह बिल लागू हो जाए तो कोई ऐसी बात नही होगी इस का विरोध अधिक न किया जायगा । अगर किया जायगा तो हमें अवश्य इस के विषय मे संशोधन लाने मे कोई कठिनाई नही होगी । लेकिन आरम्भ मे हमने यह रखा है कि जुर्माना भी हो सकता है और जेल भी भेजा जा सकता है—दोनों में से एक या दोनो । तो मैं समझता हू कि यह पर्याप्त होगा ।

MR. DEPUTY-SPEAKER: I shall now put amendment No 18 to Clause 17, moved by Shri Ramavatar Shastri, to the vote of the House.

Amendment No. 18 was put and negatived

MR. DEPUTY-SPEAKER: There are no amendments to the remaining clauses. The question is:

"That Clauses 17 to 22, Clause 1, the Enacting Formula and the Title stand part of the Bill"

The motion was adopted

Clause 17 to 22, Clause 1, the Enacting Formula and the Title were added to the Bill

DR. KARAN SINGH: Sir, I beg to move:

"That the Bill be passed".

SHRI C. M. STEPHEN (Muvattupuzha): Mr. Deputy-Speaker, Sir, my mind is not compromised with the idea underlying this Bill. This Bill compels that whatever cigarettes are sold, must carry with them a warning. The warning is 'smoking is injurious to health' Now, here, under an Act of Parliament a commodity is to go round in the country, acknowledging it to be injurious to health.

Knowing that it is injurious to health, whether it is in the public interest and in conformity with the public policy of a nation to permit, and in a way abet, its sale and thereby earn income also on allowing the commodity to be sold around is a moral question I want to raise to the conscience of the people. I can understand things going round without any warning about it, unnoticed. But here Parliament takes note of the fact that a commodity is injurious to health and says 'You sell that commodity'; it says 'You sell the commodity with a broad announcement that it is injurious to health, it is a very bad commodity' Government in their turn make profit out of it The whole machinery is set moving

What is right and what is wrong? Whatever is injurious to oneself in the science of ethics is termed to be wrong, whatever is bad to the other man is also termed in ethical philosophy to be wrong Here is some thing which is wrong to myself, bad to myself and bad to the other man. The simple question. I want to raise is whether it is in conformity with the moral conscience of this nation that the Parliament which represents the nation should make this broad announcement, give it its blessing and allow it to be sold around, the Government in their turn collecting money by way of excise on it and filling their coffers at the expense of the health of the people?

MR. DEPUTY-SPEAKER: You are on a larger question. What have you got to say on the Bill?

SHRI C. M. STEPHEN: This is about the spirit of the Bill. There are, although I am not mentally compromised to the idea of selling a commodity which is bad, nevertheless I support the Bill I nothing more to say

श्री एस० एम० बनर्जी (कानपुर) उपाध्यक्ष महोदय, मैं मंत्री जी से अपील करूंगा कि सोशल आर्गेनाइजेशन्स को अपने साथ में इस प्रकार के प्रचार के लिये लें। यह लिखा रहेगा कि यह नुकसानदेह है तो इस की 1, 2 4 महीने दहशत रहेगी उस के बाद शायद कोई असर न हो।

मंत्री जी ने अपने भाषण मे कहा कि यह चीज बुरी है। तो यही सवाल हिन्दुस्तान के सब से बडे उर्दू शायर, रघुपति सहाय फिराक गोरखपुरी से किसी ने कहा था कि आप की जिन्दगी बहुत लम्बी हो इन चीजो को आप छोड दें। तो उन्होंने एक बात कही थी जो मैं मंत्री महोदय से कहना चाहता हूं

"साल ले एक रोग नादां जिन्दगी के वास्ते सिर्फ सेहत के सहारे जिन्दगी कटती नही।'

जिन्दगी काटने के लिये कोई कम्पेनियन मिल जाय जो बहुत ही खूबसूरत और हसीन हो तो अच्छा रहे।

DR HENRY AUSTIN (Ernakulam): May I project one idea? Along with this device of putting on the necessary warning highlighting the fact that smoking is harmful the Ministry should also set in motion social service and other organisations to make propaganda that smoking is injurious. The people should be educated about this so that

a climate is created against this. The question of banning it can perhaps be considered later on. That must be our long range objective. But simply leaving it like this, with a warning that it is injurious to health, may not be enough. The Ministry should launch several campaigns through voluntary organisations to educate the masses, particularly the younger generations, about the injurious nature of this commodity.

श्री ट्रे० डी० कांबले (लातूर) : उपाध्यक्ष जी, सिगरेट के पैकेट पर जो वार्निंग लिखी जायगी कि स्वास्थ्य के लिये हानिकर है, तो इस बात की सम्भावना, है कि दूसरी तरफ सिगरेट बनाने वाले एडवरटाइज करेंगे कि इस का पीना बहुत अच्छा है । तो इस की रोक थाम के लिये सरकार क्या कर रही है ?

DR. KARAN SINGH: Shri Stephen of course has raised a very fundamental question as to what is right and what is wrong and whether Government has a moral justification for allowing a product that is known to be dangerous to circulate at all. I must admit that this is a question to which I have no immediate answer except to say that the cigarette industry is so well-established all over the world and produces such a lot of money for the government coffers that very often government tend to feel that it is an innocuous way of getting revenue.

For example, I think that we are getting over Rs. 300 crores a year. But as Health Minister I must say that I have full respect for the point which Shri Stephen had made. Ultimately the damage that is done to the nation as a result of the erosion of health cannot be quantified in terms of money, and therefore intangibly and one tends to lose perhaps more than that one earns in the long run. Having said that, I should say that what we are trying to do is really the beginning of the campaign to educate public opinion in this regard. Dr. Austin rightly said that there should be a broad based campaign of public education. Shri Banerjee has said that voluntary organisations and social bodies should be engaged in this task. Certainly I will be happy to do so provided of course the social people concerned are not heavy smokers themselves.

श्री बनर्जी ने जो यह कहा कि सिर्फ सेहत के सहारे तो जिन्दगी नहीं कटती, मैं यह अर्ज करना चाहता हूं कि वगैर सेहत के कभी कभी जिन्दगी भी एक मुसीबत बन जाती है । इसलिए सेहत बरकरार रखना चाहिए ।

Shri Kamble raised a point. If you read the Bill carefully we have said that in all advertisements also the warning sign will be there; all advertisements whether they are printed advertisements or slides of films, the warning is going to appear in all of them.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

15.23 hrs.

NATIONAL CADET CORPS (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): I beg to move:

"That the Bill further to amend the National Cadet Corps Act, 1948, as passed by Rajya Sabha, be taken into consideration."

This is a simple Bill to include routine amendment, firstly in regard to the constitution of the Central Advisory Committee and secondly in regard to the laying of the rules under the Act before the House. The NCC Act of 1948 came into existence to raise the

[Shri J. B. Patnaik]

National Cadet Corps in this country and under section 12 of the Act the Government is empowered to appoint a National Advisory Committee to advise the Government on matters of policy in regard to the administration and constitution of the Corps. The Committee consists of official and non-official members and according to section 12(1)(i) two members are to be elected by the Lok Sabha and one from the Rajya Sabha for serving on the Committee. Obviously the intention was that they should serve m the Committee as long as they are Members of the House and once they cease to be Members they would cease to be members of the Committee also. To make the intention clear the Subordinate Legislation Committee of the Second Lok Sabha in 1958 recommended that an amendment should be made in the Act for this purpose. Government itself was thinking of some major amendments to this Act and this minor amendents could not come up before Parliament at that time. As time passed the major amendment was not found necessary and the minor amendment has come before the House However for all practical purposes the recommendation of the Subordinate Legislation Committee as carried in action and once a Member of the Lok Sabha or Rajya Sabha ceased to be a Member of respective House, he also ceased to be a Member of the Committee and another Member was taken in his place. However, the Subordinate Legislation Committee of this House took this fact into consideration and suggested that these amendments should not be further delayed and the amendments should be brought before the House as earliy as possible. Hence these amendments

Sir opportunity has been availed of to amend Section 13 of this Act to incorporate the standard provision relating to laying the rules under the Act before the House. The proposed subsection 3 of Section 13 of this Act is on the line of the model clause recently recommended by the Committee on Subordinate Legislation. With these words I commend the Bill.

श्री भान सिंह भौरा (भटिंडा) यह बिल बेशक बहुत छोटा है और सिर्फ इस में एमेंडमेंट की गई है एक एडवाइजरी कमेंटी बनाने के लिये जिस में दो लोक सभा के और एक राज्य सभा का मेम्बर लिया जाएगा। उस के बाद रूल बन ने की पावर मांगी हैं।

यह ओरीजनल बिल 1948 मे बनाया था और उस के 10 साल बाद 1958 में सबोर्डीनेट लेजिस्लेशन कमेंटी ने कहा कि इस में एमेंडमेंट होनी चाहिए और आज 18 साल के बाद ये एमेंडमेंट करने जा रहे है। इस से पता चलता है कि इस के बारे मे ये कितना सीरियसली सोच रहे हैं। विद्यार्थियों मे अनुशासन लाने के लिए यह एन० सी० सी बिल बहुत जरूरी है और कौम की सेवा करने के लिए और स्टूडेंटस में अच्छी बाते लाने के लिए एन० सी० सी० बहुत जरूरी है। इस बात का हमे तजुर्बा है और चाइना की लडोई के बाद और पकिस्तान से लड़ाई के बाद या जब कोई कैलेमिटी देश पर आई है उस के बाद यह हमने देखा है कि इन लोगो ने बहुत अच्छा काम किया है और जो भी रिपोर्ट हम ने देखी है उन से पता चलता है कि एन० सी० सी० ने देश की अच्छी सेवा की है।

इस के बाद हम ने देखा कि इस के तीन विंग बन गये जैसे कि नैशनल डिस स्कीम या नैलशन स्पोर्टस आर्गेनाइजेशन और इस तरह से यह मामला कुछ डाइलूट सा होगया। आप ने बेशक एन० सी० सी० को कम लसरी बना दिया पर जितना एन्थूइजम पहले था वह नजर नहीं आता और यह कम्पलेंट आती रहती है कि मिलिट्री आफिसर जो आते है वे एफिशियेन्ट नही होते है या उन को अच्छी तन्खवाह नही दी जाती है या एडीशनल एलाउन्सेज नही दिये जाते हैं। इस तरह की बाते हमारे सामने आती हैं इसलिए मैं यह समझता हू कि जब हम यह चाहते हैं कि हिन्दुस्तान में नेशनल डिस्पिलिन

हो तो एन० सी० सी० को अच्छी तरह से चलाया जाए। हम स्कूल कालेज और यूनिवर्सिटीज में जो स्टूडेंटस में इन्डिसिप्लिन देखते हैं इस का क्या कारण है इस की वजह क्या है क्या यह इसलिए तो नहीं था कि एन० सी० सी० नहीं थी। इस के कारण कुछ और भी हो सकते हैं लेकिन यह भी एक कारण है और इस को आप को देखना पड़ेगा। आप यूनिवर्सिटीज को ही ले लीजिए वहां पर क्या होता है? कहीं पर फोर्ड फाउन्डेशन के जरिये से और कहीं पर गांधी फाउन्डेशन के जरिये से क्या होता है। अमेरिकन सी० आई० ए० का पैसा वहां पर आता है जिस पैसे के सर पर बहुत सारे बड़े बड़े प्रोफेसर बड़े बड़े लोग क्या क्या करते हैं। वहां पर हिन्दुस्तान के खिलाफ प्रचार चलता रहता है। मैं आप को यूनिवर्सिटियों में ऐसी हजारों मिसाले दे सकता हूं और मझ को पता है कि एग्रीकल्चर यूनिवर्सिटी लुधियाना में जोकि पंजाब में है सब से बड़े सी० आई० ए० और नक्सेलाइटस पलते है। सी० आई० ए० की एक्टिविटीज को हम वहा पर न टिम में लाए लेकिन वहां के जो वाइस चान्सलर है वे उन को शह देते है वहा के जमींदार उसमे मदद देते है लेकिन आज तक कोई एक्सन नहीं लिया गया। आप देश मे अनुशासन लाना चाहते हैं तो यह जरूरी है कि आप हिन्दुस्तान मे इस नेशनल कैडिट कौर को स्ट्रांग कीजिए और हमारा जो लक्ष्य है वह उन को बताया जाए और यह भी बताया जाए कि स्टूडेंट्स को क्या करना है और उन मे देश की सेवा कराने के लिए यह यह काम करना चाहिए। जो मेम्बरान पार्लियामेंट वहां पर जाए वे भी यह देखें कि साल में एक मीटिंग जरूर हो जाए। अब क्या होगा? वे एडवाइजरी कमेटी की मिटिंगो में जाएंगे और वापिस आ जाएंगे होना यह चाहिये कि मेम्बर पार्लियामेंट जाए और वहा उनको आप कुछ जिम्मेवारी सौंपे ताकि वे जा कर वहा कुछ बात कर सकें। मैं एन० सी० सी० में रहा हूं। मैंने देखा कि जो अफसर आदि उस में जाते थे उन सब को वैस्टर्न लिट्रेचर दिया जाता था दूसरा लिट्रेचर नही जाने दिया जाता था वहां स्टुडेंट्स जो इस में शामिल होना चाहते थे यह देखा जाता था कि कहीं उन में से कोई कम्युनिस्ट तो नहीं है? जनसंघ का हो या आर एस एस का हो तब इसको नहीं देखा जाता था यही देखा जाता था कि कहीं कोई कम्युनिस्ट तो नहीं है। आर एस एस को बेशक आपने बैन कर दिया है। लेकिन आर एस एस आदि कम्युनल आर्गेनाइजेशन के प्रोफेसर तथा दूसरे लोग आज भी वहा हैं और उनको पकड़ा नही गया है उनके खिलाफ कोई एकशन नही लिया गया है। दिल्ली यूनिवर्सिटी में मैंने देखा है और दूसरी यूनिवर्सिटियों में भी यही हाल है। अच्छा डिसिप्लिन अगर आप यूनिवर्सिटीज में पैदा करना चाहते हैं तो आपको एन सी सी को स्ट्रांग करना होगा। साथ ही जो वह लेक्चर होते हैं क्यों नही उन को हिन्दुस्तान के बारे में बताया जाता है क्यों नही बताया जाता है कि हमारा लक्ष्य क्या है कहा हम को जाना है समाजवाद हमारा लक्ष्य है और उसको लाने की हम कोशिश कर रहे हैं। परेड कराने या लैफट राइट कराने से काम नहीं चलेगा हिन्दुस्तान की पालिसीज से आपको उनको वाकिफ कराना होगा। हिन्दुस्तान मे ऐसे जो तबके हैं जो एक्सप्लायट करते है उन से उनको परिचित कराना होगा। आपने देखा कि जय प्रकाश जी ने स्टूडेंट्स को कैसे गुमराह किया और उनका एक साल जाया करवा दिया इंडिसप्लिन उन में पैदा किया मैं समझता हूं कि अगर एन सी सी स्ट्रांग हो और उसका आर्गेनाइजेशन अच्छा हो तो आइंदा कभी स्टूडेंट्स मिसगाइड नहीं होंगे।

इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हूं

श्री मूल चन्द डागा (पाली): यह एक बहुत छोटा सा बिल है। लेकिन आज

[श्री मूलचन्द डागा]

देखें कि कालेजों में तीस लाख विद्यार्थी पढ़ते हैं । मैं जानना चाहता हूं कि कितने विद्यार्थी उन में से एन० सी० सी० में हैं । इसको आपने कम्पलसरी क्यों नहीं किया है क्यों आप विद्यार्थियों की इच्छा पर छोड़ते हैं कि वे इस में शामिल हो या न हो । शुरू शुरू में इस में सब लोगों ने काफी उत्साह प्रदर्शित किया था । तब काफी बड़ी धनराशि भी इस काम के लिए आपने रखी थी । अब बहुत कम रखी जाती है । इस तरह की शिकायतें भी मिलती हैं कि ग्राउण्ड्स की उनके वास्ते व्यवस्था नहीं होती है रहने की व्यवस्था नहीं होती है । अच्छी सुविधायें उनको सुलभ नहीं की जाती हैं । उनकी तरफ भी आपका ध्यान जाना चाहिए । क्यों आप इसको कालेजों में कम्पलसरी नहीं कर देते हैं । इससे विद्यार्थियों में अनुसासन की भावना पैदा होती है ! इसकी आज देश को सख्त जरूरत है । आज बताएं कि जब से यह मूवमेंट चालू हुआ तब इस में कितने विद्यार्थी थे और आज कितने हैं और उनके कम होने का कारण क्या है । आपने सर्वे भी कराया था और इसकी इनक्वायरी भी हुई थी लेकिन जांच कमेटी ने क्या रिपोर्ट दी यह भी हमें बताया जाना चाहिये । क्या ऐसी बात तो नहीं है कि अधिकारियों ने कुछ ऐसे गलत कदम उठाएं जिन के कारण लोगों ने इसमें उत्साह प्रदर्शित करना कम कर दिया मैं समझता हूं कि एन सी सी को स्कूलों कालेजों मे मजबूत किया जाना चाहिये इंडियन एक्सप्रेस में यह निकला है कि स्पोर्टस के साथ साथ इसको कम्पलसरी कर दिया जाना चाहिये । जैसे डा० कर्ण सिंह कह रहे थे यह उनके स्वास्थ्य के लिये भी अच्छा होगा । कमेटी आन सबार्डिनेट लेजिस्लेशन ने सिफारिश की थी कि जो भी रूल बनाए जाएं उनको पहले हाउस में रखा जाए । एक बार कमेटी ने जांच की तो उसको पता चला कि कोई परवाह नहीं की जाती है और रूल्ज लागू कर दिये जाते हैं । एग्जेंक्टिव को जब कभी भी किसी कानून के तहत रूल बनाने की इजाजत दी जाए उनको तब लागू करने का अधिकार नहीं होना चाहिये जब तक कि उन रूल्ज को कमेटी आन सबार्डिनेट लैजिस्लेशन एप्रुव न कर दे, एग्जैमिन न करले । इसकी तरफ भी आपका ध्यान जाना चाहिये ।

MR. DEPUTY SPEAKER: Most of you are speaking on the functioning of NCC instead of on the bill. I hope you would confine yourself to the bill.

SHRIMATI ROZA DESPANDE (Bombay Central): In the NCC girls are also taken.

MR DEPUTY-SPEAKER. No, no; I was saying—you misunderstood me—that the Bill is only to ensure that Members of the House who cease to be Members, will also cease to be members of the NCC Board. But what the male Members were saying is this. they were speaking about the NCC: what should be done there. I am just saying that this is somewhat outside the scope of the Bill. I am just appealing to you that you may confine yourself to the scope of the Bill I am not saying that you should not speak. You may speak.

SHRIMATI ROZA DESHPANDE: It is not exclusively in connection with the amendment, as you have said. I would like to bring something to the notice of the Minister. Sir, NCC is a very good kind of an institution, You may say that the boys are taught military exercise there. I would like to know whether good boys from the NCC have any access to the military career as well. I do not think they have; or I may not be fully informed about it. I am told by our friends that students are being drawn from big public schools and sent for a military career. There is an academy

in Poona from where boys are directly taken, after matriculation or higher secondary—into air force, navy or army. I would like to know whether, if there are some bright boys in the NCC itself, they can go in for them. If the scope is limited only to the N. C. C., sometimes the boys might not like it. Would those who do not go to the institute at Poona but who really want to join the military career, be able to join it through the NCC? If such an arrangement is not there, I think the Minister should think about it.

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): I am thankful to the hon. Members for the general support they gave to this Bill; and I am also thankful to them for their valuable suggestions regarding the NCC. As far as this Bill is concerned, Shri Bhaura has raised the question as to why there was this delay in bringing this Bill before the House. I have already explained, while introducing the bill, that Government at one time thought that there would be some major amendments to the Bill; and, therefore, this minor amendment was not thought to be very necessary

We thought we could bring these minor amendments along with the major amendments. But, as no major amendment become necessary, this minor amendment has been brought forward before the House. But, whether the amendment was there or not in practice the Government was following the advice given by the Subordinate Legislation Committee. So, for all practical purposes the recommendation of that Committee has been accepted and implemented by the Government.

My hon. friend, Shri Daga, has again raised the question of the delay in brining this amendment. In practice the rules under the Act were always placed before the House. But, in order to make the Act in confor

mity with the recommendations of the Subordinate Legislation Committee this amendment has become necessary

SHRI M. C. DAGA: When will the rules that will be framed be placed on the Table of the House?

SHRI J. B. PATNAIK: The rules will be placed on the Table of the House from time to time

The National Cadet Corps was established in 1948 on the recommendation of a very high-powered Committee headed by Shri H N. Kunzru. Since then, for the last 27 years or almost three decades the NCC has passed all tests of a disciplined youth organisation. I have no hesitation to say that we feel proud of the tradition built by this organisation for the student masses of this country.

The aims of the NCC are to develop character, comradeship, the ideal of service and the capacity of leadership among young men and women, to provide service training to young men and women so as to stimulate interest in the defence of the country and to build up a reserve man-power to enable the armed forces to expand rapidly in a national emergency. All these three aims of the NCC have been amply fulfilled. Both in times of War and in times of peace they have acquitted themselves to the satisfaction of the authorities.

During the 1965 and 1971 war the NCC cadets were called upon to undertake civil defence duties and they rendered valuable service during these two periods. In times of peace also, particularly during national calamities like floods, droughts and epidemics the NCC have rendered valuable service to the community. To give a recent instance for the benefit of my hon. friend, Shri Daga, during the recent floods in some towns of Rajasthan, the NCC cadets along with officers not only saved valuable lives but also helped in evacuating the marooned people. In fact, the NCC organi-

[Shri J. B. Patnaik]

sation in Rajasthan earned a very good certificate from the Government of Rajasthan. Apart from this recent instance, there are several instances where the NCC cadets have rendered valuable service to the community.

Shrimati Roza Deshpande enquired about the military career open to the boys who joined the NCC. The intake of the national defence colleges like the NDA, the Indian Military Academy and other colleges from among the NCC cadets is very good. While I do not have the exact percentage with me, I can claim with authority that boys having the background of NCC training constitute more than 50 per cent in the NDA IMA and other staff colleges. So, the aim of the NCC, which is to create interest in defence service, has been amply fulfilled, if we compare the figures of intakes from the NCC to these colleges.

Shri Daga referred to the recommendations of the Mahajane Committee. That Committee has made many valuable recommendations. One of the recommendations is to reduce the number of NCC cadets in the senior division. Formerly, our target was 600,000 boys for the senior division. The Mahajane Committee recommended that this should be reduced to 400,000, because the Committee felt that there should be more of quality and that in imparting training to the boys quality should be the aim of the institutions and not the number. We have strictly followed that recommendation and in 1974-75 the number has been kept up at 400,000. At the end of December 1974 the exact strength of the NCC is as follows:

Senior Division:	Army—	2,86,946
	Navy—	11,527
	Air Force—	9,737
	Girls' Division	52,930
	Total	3,61,163

It is a little less than 4,00,000.

Junior Division :	Army—	4,97,950
	Navy—	44,834
	Air Force—	46,253
	Girls' Division	61,173
	Total	6,50,210

Some hon. Members have referred to the evaluation of the performance of the NCC cadets from time to time. No such evaluation has been done by the Government from time to time.

But there was a Report of the Kunzru Committee. The Kunzru Committee was appointed by the Ministry of Education in 1959 to go into the working of various national youth services. This Committee, in their Report, highly praised the working of the National Cadet Corps. I am quoting from the Kunzru Committee. The Committee observed:

> "From the mass of evidence before us, we are convinced that the National Cadet Corps gave the students discipline and self-reliance and brought a noticeable improvement in their health."

This has been corroborated by the Mahajani Committee and the Mahajani Committee have upheld the original aims of the NCC excepting adding sportsmanship to them.

Regarding the suggestion for making NCC compulsory, this is not a question to be decided by the Government. Besides, the Mahajani Committee has also recommended that it should not be compulsory; it should be voluntary. In fact, after the 1962 war with China, NCC was made compulsory in the country. But in 1967, the Vice-Chancellors of the various universities, in their meeting decided that it should not be compulsory: it should be made purely voluntary and we have been following that advice of the Committee of the Vice-Chancellors who met in this regard.

I have almost met all the points made by the hon. Members in this regard. I would only speak a word in conclusion. The National Cadet Corps is the largest non-partisan youth organisation in our country. (*Interruptions*). We should not judge the National Cadet Corps by the standard of RSS. The National Cadet Corps is a purely different organisation; its discipline is different from the BSS and we do not want that the National Cadet Corps should be designed on the lines of the RSS.

DR. RANEN SEN (Barasat): You were talking about the RRC. Can you tell us (Interruptions) how many workers.....

SHRI J. B. PATNAIK: Well, how can such figures be made available There may be some students who contribute to various political idealogies and they may be in the National Cadet Corps. But, we do not judge them by their allegiance to different political organisations and idealogies, we judge them by the work they perform as the cadet of the National Cadet Corps. and therefore, their performance has been very good all through.

I claim, almost over the last three decades, we have been able to build up a very good national organisation of the youths. It is the most organised and non-partisan youth organisation which has developed a sense of comradeship, devotion to duty, patriotism, cherishing the highest ideals for which the country stands.

So, let us not criticise this organisation. There may be many pit-falls; there may be many things to speak against the functioning of this organisation. But, on the whole, this organisation has come out with flying colour, if we judge its services both in times of war and of peace.

With these words, I commend this Bill.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the National Cadet Corps Act, 1948. as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We now take up clause-by-clause consideration of the Bill. There are no amendments to clauses 2 and 3. The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 (*Short title*)

Amendment Made:

Page 1, lines 3 and 4,—

for **"National Cadet Corps (Amendment) Act, 1974"**

substitute—

'National Cadet Corps (Amendment) Act 1975" (2).

(Shri J. B. Patnaik).

MR. DEPUTY SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for "Twenty-fifth" substitute—

"Twenty-sixth" (1).

(Shri J. B. Patnaik).

MR. DEPUTY SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI J. B. PATNAIK: I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY SPEAKER: The Question is.

"That the Bill, as amendment, be passed."

The motion was adopted.

MR. DEPUTY SPEAKER: Now, we have exhausted the list of business. The House stands adjourned to meet again tomorrow at 11 A.M.

15.57 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, Agust 6, 1975/Sravana 15, 1897 (Saka).

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